

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from and since the January 3, 2018, meeting of the State Board of Education when the rulemaking was considered at Proposal Level.

Topic:	Standards and Assessment	Meeting Date:	May 2, 2018
Code Citation:	N.J.A.C. 6A:8	Level:	Adoption
Division:	Teaching and Learning and Talent and Performance	Completed by:	Divisions of Teaching and Learning and Talent and Performance

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board of Education members and members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Arcelio Aponte, President
State Board of Education
- B. Andrew Mulvihill, Vice President
State Board of Education
- C. Dr. Ronald Butcher, Member
State Board of Education
- D. Kathy Goldenberg, Member
State Board of Education
- E. Mary Beth Berry, Member
State Board of Education
- F. Sylvia Sylvia-Cioffi, Member
State Board of Education
- G. Dr. Joseph Ricca, Member
State Board of Education
- 1. Kimberly Tucker
Somers Point School District
- 2. Jacqueline Moore
Howell Township Schools
- 3. Elisabeth Ginsburg
Garden State Coalition of Schools

4. Christopher H. Tienken Ed.D., Associate Professor of Education Leadership, Management, and Policy, Seton Hall University
5. Jodi Hoover, Parent
6. Cheryl Dill, Parent
7. Lisa Marie Vassallo
8. Ron Durso, Science supervisor
9. Kathleen Papp, Parent
10. Christopher Benedetto, Parent
11. Tanushree Uppala, Parent
12. Tamar Wilson
13. Diane Mitrione
14. Dawn Boughal, Teacher
15. Maria Palmer
16. Catherine Sherry
17. Michael DeLozier
18. Charlotte Ryan
19. Victoria P. Binetti
20. Deborah Jean Carchidi
21. Suzan G. Preiksats
22. Alvin S. Evans
23. Ruby Kelly-Keifer, Student
24. Kathleen Iannaccone, Educator
25. Tom Figlio
26. Robert Partridge
27. Dianne Kelly
28. Karen Partridge
29. Gail M. Horvath

30. Jennifer Haller
31. Susan Whithouse
32. Anthony Carchidi
33. Patricia C. Doebler, Former educator
34. Lisa Parker
35. Randi H. Asher, Parent and clinical psychologist
36. Ayelet Ben-Zvi, Parent
37. Stan Karp, Director, Secondary Reform Project
Education Law Center
38. Lynn Fedeles, English teacher
39. Justin Escher Alpert
40. Judith Strollo, Retired Teacher
41. Elizabeth Giacobbe, Superintendent
Beverly City School District
42. Caitlin Ryan Persche, Parent
43. Carolota Tagoe, Parent
44. Elaine Fass, Retired educator
45. Melissa Ayers, Parent
46. Roberta Braverman, Advocacy Vice President
New Jersey Association for Gifted Children
47. Andrew Musick, Vice President, Taxation & Economic Development
New Jersey Business and Industry Association
48. Patricia Morgan, Executive Director
New Jersey Campaign for Achievement Now (JerseyCAN)
49. Michael A. Vrancik, Director of Governmental Relations
New Jersey School Boards Association
50. Chrissi Miles, Ed.D., Associate Director of Professional Development and
Instructional Issues
New Jersey Education Association
51. Sandra Moskovitz, Parent

52. Julie Borst, Executive Director
Save Our Schools N.J.
53. Jeanine Branch, Parent
54. Ann C. Ryan, English teacher
55. Natalie Jowett, Parent
56. Rhiannon Mindas, Teacher and parent
57. Laura Begg, Parent
58. Stan Karp, Director of Secondary Reform Project, and Jessica Levin, Staff Attorney, Education Law Center and Edward Barocas, Legal Director, American Civil Liberties Union of New Jersey

1. **COMMENT:** The commenter expressed support for the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i, which requires the elementary component of the Statewide assessment of the New Jersey Student Learning Standards for Science (NJSLS-S) to consist of continued administration of mathematics and English language arts (ELA) in grades three, four, and five, and of science in grade four, to change the science assessment to grade five because it appears that the end of grade five is the critical place in the NJSLS-S to assess student mastery. The commenter also expressed concern about the implementation of the shift in the elementary science assessment to grade five but said he was confident that Department staff would be able address implementation issues as they arise. **(A)**

RESPONSE: The Department thanks the commenter for the support.

2. **COMMENT:** The commenters expressed support for the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to change the State's elementary science assessment to grade five. **(B, E)**

RESPONSE: The Department thanks the commenters for the support.

3. **COMMENT:** The commenter asked what other states will New Jersey collaborate with on test development if the State Board adopts the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to change the State's elementary science assessment to grade five. **(C)**

RESPONSE: New Jersey has discussed potential item sharing agreements with several states, but the conversations have been preliminary since many states are still developing their new assessments. The conversations have been promising, though, and the ability to test in grade five will expand New Jersey's opportunity to share items with other states since the majority of states tests in grade five.

4. **COMMENT:** The commenter asked how many other states adopted the Next Generation Science Standards (NGSS) and are administering an elementary science assessment in grade five. **(D)**

RESPONSE: Eighteen other states and Washington, D.C. have adopted the NGSS, according to the [National Science Teachers Association](#). Fifteen of the other NGSS states and Washington, D.C. administer the science assessment in grade five, according to the [Education Commission of the States](#).

COMMENT: The commenter stated it makes sense to move the State's elementary science assessment to grade five, citing the research presented to the State Board regarding the NGSS. (E)

RESPONSE: The Department thanks the commenter for the support.

5. **COMMENT:** The commenter stated he still has concerns about whether moving the State's elementary science assessment to grade five from the current grade four makes sense for students and teachers. The commenter also stated he has not heard from any educator who thinks the grade level needs to be changed and noted that New York has adopted the NGSS and assesses students at grades four and eight. The commenter said it is wrong to constantly move goalposts in the middle of the process and questioned whether the change in grade levels is being made based on an off-the-shelf assessment platform. (G)

RESPONSE: New York adopted the NGSS and have a multi-step implementation plan. New York has proposed transitioning their assessment system to grade five from grade four when they begin assessing NGSS. The assessment New Jersey is developing is not an off-the-shelf product but is being created by teachers and educators within the State.

A single technology platform is used for the ELA, mathematics, and science assessments, which makes it much more efficient and easier for test administrators since the activities necessary to administer the assessment and the accommodations and accessibility features are the same. Having one technology platform for all Statewide assessments will be beneficial during the transition of the elementary science assessment from grade four to grade five. However, the change in grade level was proposed because of how the standards were written and expert advice on how best to measure the standards; the testing platform was not a contributing factor in the decision.

6. **COMMENT:** The commenter expressed concern regarding the impact the change in grade levels for the State's elementary science assessment will have on students and administrators. The commenter further asked if the association representing school administrators and other stakeholders had been consulted on the proposed change. (D)

RESPONSE: The impact of assessing students at the end of grade five should be minimal. Students in grade five already participate in the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments and, therefore, will be comfortable with the testing platform. As assessing students in science is already required by the Every Student Succeeds Act (ESSA), there is no additional burden placed on administrators. The organizational efforts and documentation requirements for testing will simply shift from grade four to grade five.

The Department has received a few questions regarding the grade transition and concerns from two individuals about the timing and implementation of the change. The Department's stakeholder outreach included public presentations at assessment administration regional trainings, professional development for school district personnel, professional gatherings, and via the Department's science-specific email account. The

Department's outreach to experts in the science community and communications with other states, in part, led to the decision to change the grade level from four to five.

7. **COMMENT:** The commenter expressed concern about the impact the change in grade levels for the State's elementary science assessment will have on students and administrators because superintendents have voiced to her concerns about the shift in grade levels. **(F)**

RESPONSE: Since the State Board reviewed the proposal at First Discussion, the Department has received four comments from the public about the elementary science assessment. Two of the comments were in support of changing the tested grade level from grade four to grade five and two of the comments expressed concerns about the timing and implementation of the change (see Comments 92 through 95). Also, the Department had a 30-day public comment period regarding the waiver request to the United States Department of Education to make the science assessment a field test for 2018. The Department received only one comment and it was positive regarding the waiver. Overall, the Department has not received many comments regarding the testing grade change from grade four to grade five.

8. **COMMENT:** The commenter questioned the openness of the procurement process regarding the State's new science assessments and stated the State's request for proposal (RFP) does not mirror the RFPs of other states that are administering a science assessment at grade five. **(G)**

RESPONSE: Every state has its own rules and regulations related to procurement. Therefore, the RFP released in New Jersey may not be similar to other states due to different terms and conditions, structure, and formatting. The procurement process in New Jersey is an open process and any interested bidder can submit a proposal on any RFP as long as the bidder meets the minimum requirements set forth by the New Jersey Department of the Treasury. Also, all RFP and contracts are posted on the Department of the Treasury's [website](#).

9. **COMMENT:** The commenter asked if the Department is in position to administer the State assessment in science at grade four this school year if the State Board does not approve the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to change the elementary science assessment to grade five. **(C)**

RESPONSE: Prior to Proposal Level, the Department was in a position to administer the elementary science assessment in grade four or five. Since the State Board's vote on the rulemaking at Proposal Level, the Department has been preparing school districts for the field test in science in grades five, eight, and 11.

10. **COMMENT:** The commenter expressed support for the readoption with amendment of N.J.A.C. 6A:8 because all children should receive the highest quality education and the Federal and State governments and district boards of education should provide the resources necessary to advance student academic success and close achievement gaps. The commenter also expressed support for uniform Statewide standards as set out in the NJSLS. **(49)**

RESPONSE: The Department thanks the commenter for the support.

11. **COMMENT:** The commenter stated there has been a well-coordinated effort to ensure a greater focus on employability skills and aligned career readiness standards so New Jersey's students are ready for the world of work when the time comes. The commenter also stated the career readiness standards enable students to make informed decisions about their future and meet the challenges of the 21st century workplace. The commenter further stated the State's high-quality academic standards successfully align to workforce skills and college-level curriculum, while emphasizing critical thinking and equipping students with the integral skills needed to perform well in entry-level jobs. (47)

RESPONSE: The Department thanks the commenter for the support.

12. **COMMENT:** The commenter expressed support for high standards and aligned assessments. The commenter stated New Jersey is taking the right steps to meet the needs of the future workforce by emphasizing higher standards and accurate assessments. The commenter also stated students must be ready for the next challenge in an evolving economy and the State is setting higher expectations and guiding students in the right direction toward career success. (47)

RESPONSE: The Department thanks the commenter for the commitment to high standards in the State's public schools.

13. **COMMENT:** The commenter expressed support for the readoption with amendment of N.J.A.C. 6A:8 and advocated for maintaining standards that will ensure every student in New Jersey can graduate high school ready for college and career. The commenter also stated it is important for the State to administer assessments to ensure students are meeting the benchmarks necessary to graduate college and career ready. (48)

RESPONSE: The Department thanks the commenter for the commitment to high standards in the State's public schools.

14. **COMMENT:** The commenter urged the Department to protect the gains New Jersey has made as a national leader in education and to move toward constructive reforms meant to lift all children in the State to their highest potential instead of punishing them with a benchmark that is illegitimate and harmful. (55)

RESPONSE: The Commissioner [announced](#) in March the formation of a Statewide collaborative with representatives from diverse educational perspectives and strong technical knowledge of the realities of test administration and will be conducting a listening tour to hear from students and educators in every county. The Department plans to present a transition plan to New Jersey's next generation of Statewide standardized assessments. The primary goal of the committee is how to transition assessments in a way that will be least disruptive to schools, school districts, and, most importantly, students. The commenter's concerns will be taken into account as part of the upcoming comprehensive review.

15. **COMMENT:** The commenter opposed the Common Core State Standards (CCSS) and other recent education reforms because of the negative effect they had on her child's education and because teachers had no control and were unable to make changes. The commenter said teachers were not part of the decision making, which is why PARCC and other education reforms consistently fail. (5)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

16. **COMMENT:** The commenter opposed all education reforms that stem from the CCSS and PARCC and all policies and mandates devised by policy makers and profit-seeking corporations. The commenter also stated parents and teachers should retain the authority to make decisions about what is instructionally appropriate or relevant rather than creating a multi-billion dollar system of profits for a private company. (36)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

17. **COMMENT:** The commenter stated standards and assessments have merit, but schools are factories that burn out students and teachers, who have to churn out assessment and other data to justify their existence. The commenter stated this misses the "whole of life" concept and has become a bureaucratic governance that takes enormous time and money. (10)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

18. **COMMENT:** The commenter expressed support for the maintenance of high standards designed to ensure college and career readiness and to ensure student success and the State's future economic success. The commenter noted the State's strong history of developing educational standards designed to guide curriculum development and student learning, as well as the recent revision and renaming of the NJSLs following an intensive collaborative process with educators, stakeholders, parents, and higher education. (48)

RESPONSE: The Department thanks the commenter for the support.

19. **COMMENT:** The commenter stated the NJSLs are not appreciably different from the Core Curriculum Content Standards (CCCS) and were created through a top-down approach whereby the authors decided what a student should know as a senior and moved down through the grade levels. (40)

RESPONSE: The NJSLs are grounded in current research and built upon the efforts of experts in education, including input from teachers and administrators.

20. **COMMENT:** The commenter stated the NJSLs are problematic because there is a wide range of what a child is developmentally able to do between kindergarten and grade three. The commenter also stated school districts that have third grade students who are not performing up to par are pushing more academics and test preparation to the lower grades. The commenter further commented that teachers know this ignores developmentally appropriate practice but are constrained by school district policies and pacing guides and teachers no longer have the autonomy to address each student's needs. (40)

RESPONSE: The NJSLs are grounded in current research and built upon the efforts of experts in education, including input from teachers and administrators. School districts have the flexibility to create curricula and pacing guides aligned to the NJSLs that allow for differentiation of instruction to meet the needs of all students.

21. **COMMENT:** The commenter stated the NJSLS are problematic because curricula is scripted and narrowed because teachers are covering what can be assessed on a multiple-choice test. The commenter also stated that special education teachers are required to use grade-level curriculum rather than address students' functional levels. (40)

RESPONSE: Through the adoption of the NJSLS, the State Board defines the academic expectations for all students. Each school district is provided the flexibility to ensure that learning experiences for students support their abilities to meet or exceed those expectations. Development of curriculum and instruction, including modifications and accommodations for students with special needs, rests within the purview of each school district. As the commenter stated, students who participate in alternate assessments must be instructed and assessed on content that is linked to grade level.

22. **COMMENT:** The commenter asked why educators are encouraged to teach only things that can be evaluated by a machine and why non-verbal ways of learning are being limited. (40)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

23. **COMMENT:** The commenter stated it is time to bring teachers and families back to the table and to take control of curriculum away from test manufacturers. (40)

RESPONSE: Pursuant to N.J.A.C. 6A:8-1.1(c), academic standards and assessments are adopted by the State Board and decisions regarding curriculum and instruction are made at the school district level. The extent to which community members are involved in the development of curriculum is determined by the school district.

24. **COMMENT:** The commenter stated the provisions in N.J.A.C. 6A:8 pertaining to gifted and talented education need to be updated. The commenter also stated gifted learners have been ignored for years and the chapter needs to be changed to reflect the needs of these special learners. The commenter further stated all children have the right to learn at their own level, even if it means exploring and learning more than their grade-level peers. The commenter also stated that most school districts do not follow the rules in N.J.A.C. 6A:8 pertaining to gifted and talented education and that enforcement of the rules is another important factor in the fight for gifted services in the State. The commenter also urged the Department to enforce whatever changes are made to the rules governing gifted and talented services. (44)

RESPONSE: N.J.A.C. 6A:8-3.1(a) requires district boards of education to ensure that curriculum, instruction, and instructional adaptations are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS. Circumstances vary across school districts, but the Administrative Code is clear and provides district boards of education with the flexibility to provide appropriate learning opportunities for all students. Rules regarding gifted and talented instruction are enforceable and are regularly monitored through the Quality Single Accountability Continuum (QSAC) process.

25. **COMMENT:** The commenter stated the provisions in N.J.A.C. 6A:8 pertaining to gifted and talented education are weak, unclear, and unenforced across the State. The commenter urged the Department to consider revising the rules to more strongly support gifted education. The commenter also stated that parents of children on the upper end of

the bell curve should not have to fight with school districts to get proper evaluations and tiny bits of appropriate education for their children. The commenter further stated parents should not be told just to enrich at home when they ask schools for more challenging schoolwork for their children. (45)

RESPONSE: Circumstances vary across school districts, but the Administrative Code is clear and provides district boards of education with the flexibility to provide appropriate learning opportunities for all students. Rules regarding gifted and talented instruction are enforceable and are regularly monitored through the QSAC process.

26. **COMMENT:** The commenter urged the State Board to not approve the readoption of N.J.A.C. 6A:8 without seriously looking at the language and the effects it will have on gifted students and their teachers. The commenter stated myths prevail about gifted students, including that they will survive on their own or that programs or services are elitist, and education is needed through school law. The commenter also stated gifted students exist and need laws to protect their rights to learn something new at school and to get a thorough and efficient education every day. (46)

RESPONSE: The Administrative Code provides district boards of education with the flexibility to provide appropriate learning opportunities for all students. Changes to State education laws would need to be made through the legislative process.

27. **COMMENT:** The commenter stated the current provisions in N.J.A.C. 6A:8 related to gifted and talented students were instituted in 2005 and mirrored language from New Mexico to suit the home rule preferences of the State's more than 600 school districts. The commenter also stated no committee has reviewed the language's effectiveness since it was adopted and the provisions have not been updated. The commenter further stated this is a phantom policy that has been approved and codified on paper but not in practice. The commenter also said strengthening the provisions' wording is critical for enforcement and accountability, and noted a student who entered school in 2005 could have graduated by now with little to no gifted education modifications. (46)

RESPONSE: Rules regarding gifted and talented instruction are enforceable and are regularly monitored through the QSAC process. As the Department has proposed to readopt N.J.A.C. 6A:8 with only one amendment to ensure the chapter does not expire in 2018, the Department at a future date will review both the rules and current State law regarding gifted and talented instruction and propose amendments, if appropriate.

28. **COMMENT:** The commenter stated N.J.A.C. 6A:8-3.1(a)5i suggests the use of multiple measures for identifying gifted and talented students but does not suggest methods or clarify that the tools used are meant to widen the pool of candidates rather than screen students out of consideration for services if the students do not meet every requirement on a list. The commenter also stated many school districts use as identifying measures the nominations completed by teachers, many of whom consider only students who are "teacher pleasers" or follow the rules to be gifted. (46)

RESPONSE: N.J.A.C. 6A:8-3.1(a)5i requires district boards of education to use multiple measures to identify gifted and talented students and to provide them with appropriate instructional adaptations and services from kindergarten through grade 12. While the language provides clear expectations, it also grants flexibility to school districts in how to meet their obligations to accommodate contextual variations across school districts.

29. **COMMENT:** The commenter requested revisions to rules pertaining to gifted and talented education because current rules are weak and unenforceable. The commenter stated it is unusual for school district to formally identify gifted and talented students before grade two even through N.J.A.C. 6A:8-3.1(a)5ii requires school districts to provide instruction for gifted and talented students in kindergarten through grade 12. The commenter also stated the lag in identification deprives many students of the appropriate educational programming until they are in grade three. The commenter further stated the current rules do not appear to have a remedy for enforcement when violations of the rules occur. (42)

RESPONSE: N.J.A.C. 6A:8-3.1(a) requires district boards of education to ensure that curriculum, instruction, and instructional adaptations are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS. This provision is for all students, including: students with disabilities, English language learners (ELLs), students enrolled in alternative education programs, and students who are gifted and talented. The Administrative Code is clear and provides district boards of education with the flexibility to provide appropriate learning opportunities for all students. N.J.A.C. 6A:8-3.1(a)5i also requires district boards of education to use multiple measures to identify gifted and talented students.

Rules regarding gifted and talented instruction are enforceable and are regularly monitored through the QSAC process.

30. **COMMENT:** The commenter stated students who demonstrate the mastery of grade-level benchmarks in September are forced all year to complete the same work as classmates who need instruction on grade-level content even though gifted students acquire and master new content and skills at a much faster rate than average or remedial students. The commenter also stated some school districts offer only a two-hour, pull-out enrichment class once a week for gifted students in grades three through five, or an after-school club, and the school districts' administrators think they are meeting the Administrative Code requirements even though N.J.A.C. 6A:8-3.1(a)5 requires identification of students in kindergarten through grade 12 and services provided during the school day. (46)

RESPONSE: N.J.A.C. 6A:8-3.1(a)5iii intentionally provides district boards of education with the flexibility to develop appropriate curricular and instructional modifications for gifted and talented students, including content, process, products, and learning environment. Circumstances vary across school districts and the language provides clear expectations while granting school districts flexibility in how to meet their obligations.

31. **COMMENT:** The commenter stated the State assessments serve as one of many measures that objectively demonstrate how the State's future workforce compares to the rest of the United States. The commenter also cited the increase in student proficiency on the PARCC ELA and mathematics assessments, stating students across New Jersey are setting an impressive trend as progress on the assessment continues to improve. The commenter further stated the progress translates into 88,000 more students meeting grade-level expectations in ELA today compared to 2015. The commenter indicted the progress shows that students and educators across the State are rising to the challenge of higher academic standards and that the State needs to stay committed to using many forms of information about student growth. (47)

RESPONSE: The Department thanks the commenter for the commitment to high standards in the State's public schools. The commenter's feedback will be taken into account as part of the upcoming comprehensive review.

32. **COMMENT:** The commenter stated high-quality assessments that gauge a student's progress are necessary to assess whether students are truly on the path to educational success, and schools, educators, and parents cannot see the full picture of a student's progress without a tool to track student progress. The commenter also stated inequities that may exist between students cannot be addressed without disaggregated data. (48)

RESPONSE: The Department thanks the commenter for the commitment to high standards in the State's public schools. The commenter's feedback will be taken into account as part of the upcoming comprehensive review.

33. **COMMENT:** The commenter expressed support for a uniform Statewide test, or an alternative method of measurement, that is used as the basic method of assessing whether students have met State and Federal standards. The commenter further expressed support for assessments that are an accurate, valid, and reliable measure of whether a student has mastered the NJSLs; measure skills appropriate for graduation (that is, skills commonly considered essential for functioning as an adult in American society); provide school districts, schools, and teaching staff with information that can be used to identify the need for remedial intervention, as well as the opportunity for advanced or accelerated work; and are designed to ensure all students have the opportunity, assistance, and incentives to meet the State's academic standards. (49)

RESPONSE: The Department thanks the commenter for the commitment to high standards in the State's public schools. The commenter's feedback will be taken into account as part of the upcoming comprehensive review.

34. **COMMENT:** The commenter stated the PARCC assessment was a key component in her school district's data-driven instruction because PARCC provides data that has allowed teachers to make key decisions that have positively impacted all students in the school district. The commenter also stated PARCC is the best assessment she has seen in her more than 20 years as an educator. The commenter further stated PARCC has forced the school district to look at each student and to help all students show dramatic growth from September to June. (41)

RESPONSE: The Department applauds the commenter for the school district's gains and systemic improvements. The commenter's feedback will be taken into account as part of the upcoming comprehensive review.

35. **COMMENT:** Citing the growth on PARCC that her school district experienced, the commenter questioned how dramatically the State's remediation rate would drop at the college level if PARCC became a graduation requirement. The commenter also cited a 90 percent graduation rate while 70 percent of graduates are required to take a developmental or remedial course upon entering college. The commenter further referenced remarks by Karan Chauhan, the current Permanent Student Representative to the State Board, indicating that many students did not take PARCC seriously because it no longer was a graduation requirement. (41)

RESPONSE: While a Statewide standardized assessment for high school graduation is a State statutory requirement, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

36. **COMMENT:** The commenter stated many school district officials are experiencing trepidation and apprehension waiting to see what policy changes will be forthcoming in the new administration. The commenter also stated a pendulum swing in the wrong direction could stop the positive momentum her school district experienced as the result of recent policy shifts that resulted in changes at the school district level designed to best serve students. The commenter further stated implementing the last round of policy changes was not easy but, with support from the Department, the school district became 21st-century ready to administer computer-based assessments and other online programs. The commenter also encouraged the Department to stay the course and said allowing the pendulum to swing in the opposite direction would be counter-productive, create a logistical nightmare in schools, discourage educators, and harm students. (41)

RESPONSE: The Department applauds the commenter for the school district's gains and systemic improvements. The commenter's feedback will be taken into account as part of the upcoming comprehensive review.

37. **COMMENT:** The commenter expressed support for developing a plan to revise the State's testing and high school graduation policies to keep New Jersey's schools headed in the right direction. (33)

RESPONSE: The Department thanks the commenter for the support. The commenter's feedback will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

38. **COMMENT:** The commenter urged the State Board to consider adopting an assessment program that provides an honest, objective assessment of the success of the State's education system and contributes useful feedback for curriculum development and improvement. (19)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

39. **COMMENT:** The commenter stated the State Board's consideration of the readoption with amendment of N.J.A.C. 6A:8 provides the State Board and the Department the opportunity not only to closely examine continued concerns surrounding the State assessment system, but also to explore more deeply opportunities for the future of innovative assessments in the State. The commenter stated assessments should no longer be "done to" students and educators but rather "done with" them. (50)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

40. **COMMENT:** The commenter stated the Department must act immediately to identify an existing assessment to replace the PARCC assessments in grades three through eight for the 2018-2019 school year. The commenter also stated the assessment must be aligned with the NJSLS; offered in both paper-and-pencil and computerized formats; able to be administered in compressed timeframes; and aligned with principles guiding effective assessment.

The commenter presented the following as the principles guiding effective assessment:

1. The purpose of student evaluation should be to assist teachers in selecting the most appropriate learning experiences for students; assess student needs and evaluate student progress; assist students and their parents/guardians in identifying the students' strengths and needs; encourage students to become lifelong learners and develop interest in life-time learning strategies; measure program effectiveness, communicate learning expectations, and provide a basis for determining instructional strategies; and develop appropriate learning opportunities for students;
2. In order for standardized tests and/or assessments to support quality education and instruction for students, standardized assessments must be developmentally appropriate, scientifically valid, and reliable for the purpose of measuring student learning; classroom teachers must be involved in the development of assessment systems, the criteria for assessment of students, and the dissemination of results; communication of student progress must be accurate and meaningful to students, parents/guardians, and other stakeholders; teachers must receive timely feedback on test scores in order to provide appropriate positive reinforcement and/or remediation as necessary; because test scores are estimates and can vary for reasons that have nothing to do with student achievement, standardized assessment results must not be used as the sole criterion for making high-stakes decisions (such as a graduation requirement or grade promotion), a means to track students thus denying them educational opportunities, and the criterion for the reduction or withholding of any educational funding; every student should not be tested every year; students with special needs and/or limited English proficiency should have appropriate alternative options to standardized testing to measure individual progress and proficiencies; ELLs should be able to demonstrate an advanced understanding and application of academic language proficiencies in listening, speaking, reading, and writing in English prior to being required to take high-stakes assessments; assessment administration manuals, instructions, and training must be provided in advance of testing; assessments should be continually monitored to ensure that they are appropriate for the purposes for which they are intended. The Department must develop an effective feedback system that responds to continuous, comprehensive evaluation of the state assessments by teaching staff members through the New Jersey Education Association; and students, parents/guardians, teachers, administrators, schools, and school districts should not be penalized for parents/guardians exercising their legal rights to exempt their children from standardized tests and/or assessments;
3. The use of student achievement on standardized tests and/or assessments for the purpose of measuring teacher performance is not scientifically valid and reliable. Therefore, the use of standardized student assessment results must not be used to evaluate teacher performance; support any negative employment action against a teacher; and determine teacher compensation and/or merit pay. Assessment results should be used only to provide non-evaluative, formative feedback; and

4. Student achievement standardized tests should be aligned with adopted state standards for ELA and mathematics and aligned with Federal statute. (50)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

41. **COMMENT:** The commenter urged the Department to work with identified stakeholders to effectively transition the State's assessment system to the Innovative Assessment Pilot, which is a provision of ESSA for which states can apply to allow for classroom-based, curriculum-embedded performance assessment that are locally developed and scored. The commenter stated the State has the opportunity to strengthen its investment in the future of educators and children served by the public education system. The commenter also stated a comprehensive, multi-year plan will provide the opportunity for the Department to partner with stakeholders to spearhead the design and implementation of effective, high-quality professional learning and a sustained support plan as the State's public schools transition to the use of innovative performance assessment. The commenter further stated the plan would continue to deepen educator assessment literacy, including how to effectively design, objectively score, and expertly use data from performance assessments to inform instructional practice. The commenter also stated students and schools greatly benefit from investments in capacity building. (50)

RESPONSE: While the Innovative Assessment Pilot application window closed on April 2, 2018, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

42. **COMMENT:** The commenter described research he has taken part in that predicts the results from standardized tests in New Jersey and four other states by knowing only a few demographic factors about a community. The commenter stated the research predicted the percentages of New Jersey students who would score at Level 4 or 5 on the PARCC Algebra I and ELA 10 for 75 and 71 percent of the school districts by using the following two demographic variables: the percentage of families in a community with income less than \$35,000 a year and the percentage of families with income greater than \$200,000 annually. The commenter further stated the researchers were able to account for 50 percent of the test score in ELA by looking only at the percentage of families in a community living in poverty. (4)

RESPONSE: The research noted above appears to be a generalization on particular groups of students based on correlated data. Interpretations of correlational research should be used with caution because the interpretations are not causal. The Department strongly disagrees with any statements about predictive student achievement regarding demographic variables using aggregated data when the results appear to predict that students from a low socioeconomic status will be low-performing students, without taking into consideration the students' instruction and education. These generalizations lead to inequality in the expectations of students and to the educational system as whole.

43. **COMMENT:** The commenter opposed the use of PARCC because the assessment has not been validated as an accurate measure of quality teaching, leadership, or overall school quality. The commenter also stated that results from standardized assessments are poor measures of academic achievement and do not capture accurately what or how well students learn. The commenter further stated that standardized assessment systems do not

capture the amount of growth students demonstrate each year because the assessments are blunt instruments that are highly susceptible to measuring out-of-school factors. (4)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

44. **COMMENT:** The commenter stated PARCC is not a fair assessment and it should be replaced by a new test that is more equal for students who are low income, minority, or have disabilities or other considerations. (14)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

45. **COMMENT:** The commenter expressed concern that PARCC is the most discriminatory standardized assessment regarding students who are disadvantaged that she has come across in her more than 40 years as an educator. (24)

RESPONSE: While all standardized assessment items are reviewed by educators for bias and sensitivity before administration, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

46. **COMMENT:** The commenter opposed the State's use of PARCC because there are many students, especially students with special needs and minority students, who perform poorly on standardized tests even if they are excellent performers in the classroom. (29)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

47. **COMMENT:** The commenter stated a one-size-fits-all test is not a reasonable tool to measure student success. The commenter also stated high-stakes tests are destructive to the learning process and should be eliminated. (16)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

48. **COMMENT:** The commenter stated special needs students can take much longer to complete PARCC assessments, particularly since they have been administered on computers, and some minority students are not fluent in English and have perception problems during computerized testing. The commenter also stated these two problems always result in a lower average score on PARCC and similar tests and compromised test results underestimate a teacher's actual effectiveness. (22)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

49. **COMMENT:** The commenter stated statistics have shown that PARCC is an unfair evaluation of a student's actual abilities and knowledge, as well as an educator's capacity to teach successfully. (25)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 50. COMMENT:** The commenter stated New Jersey’s use of PARCC should be abandoned because only a few states still use PARCC and the lack of participation is counterintuitive to the initial reasoning that PARCC would allow all states to compare students and teachers. (6)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 51. COMMENT:** The commenter questioned why New Jersey is one of only four states that still uses PARCC when it has proven to be a disaster. The commenter also stated PARCC is a poorly written and designed assessment that has required most school districts to spend money on laptops, new class materials, study preparation, and other items to get up to speed on testing. (7)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 52. COMMENT:** The commenter stated PARCC is inappropriate for students and takes away too much class time for test preparation and administration. The commenter also stated PARCC does not assess college or career readiness but, instead, tests who can comply with a narrow, rigid, and senseless curriculum. The commenter further stated home economics, industrial arts, and household management have been removed from the curriculum to teach to a test with no meaning. (9)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 53. COMMENT:** The commenter stated it is problematic when the majority of students fail a State test because PARCC failed them as an assessment and not because the students or their teachers have failed. The commenter further stated it is a waste of resources even in school districts where the majority of students pass PARCC because all efforts are focused on teaching to the test. (35)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 54. COMMENT:** The commenter objected to the State’s use of PARCC because every student tests differently and knowledge is not the most important aspect. (28)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 55. COMMENT:** The commenter questioned why the State is forcing students who are not planning to attend college to take PARCC. The commenter stated that students who do not go to college can still become highly successful people and that the State needs to stop treating students like robots. (6)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 56. COMMENT:** The commenter opposed the State’s use of PARCC because the assessment is intentionally deceptive in the area of ELA and does not support logical

thinking. The commenter also suggested the Department bring back the New Jersey Assessment of Skills and Knowledge (NJASK) to fulfill the Federal requirement of a standardized high school graduation test. The commenter further objected to the purchase of a new test to fulfill the graduation requirement. (27)

RESPONSE: While a Statewide standardized assessment for high school graduation is a State statutory requirement rather than a Federal mandate, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

57. **COMMENT:** The commenter objected to the money spent by school districts related to PARCC in terms computers or testing infrastructure and the loss of instructional time. (20, 35)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

58. **COMMENT:** The commenter stated the strong opt-out movement in New Jersey proves the public disdain for PARCC and the assessment's overall poor quality has been demonstrated by 20 of the original 26 participating states and districts dropping PARCC entirely. The commenter also stated ESSA does not require PARCC or online testing and requires only one year of testing in high school instead of three. The commenter further stated that standardized assessments, especially since PARCC's implementation, have resulted in unintended, negative consequences that have damaged many students' classroom experiences rather than the original goal of discerning how public schools perform. The commenter also urged the Department to fulfill the electoral promises of the recent gubernatorial candidates from both parties and the current governor by dropping PARCC. (38)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

59. **COMMENT:** The commenter stated claims that PARCC is a vast improvement in assessments, contains readings that are relevant, and is not a "bubble test" are misleading and disingenuous. The commenter also stated the readings involve actual literature as opposed to stale reading selections in past tests but still do not have relevancy. The commenter gave the example of students being asked on some PARCC sections to compare two related works of literature from two different historical eras and cultures without information on the texts' historical contexts, which the commenter stated results in questions about the texts that are too obscure to answer with common sense or that do not promote a clear understanding of what is written. The commenter also stated that PARCC results in student essays that are filled with broad generalities and false assumptions because of the lack of appropriate historical context and time so students can properly study the text and reflect upon it. The commenter further stated the questions on PARCC do not show rigor as many advocates claim and indicated that true rigor asks students to apply themselves to challenges rather than to do something that is next to impossible to do well or properly. (38)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

60. **COMMENT:** The commenter stated that PARCC includes excerpts of informational texts that are written beyond students' grade level, which leads to students struggling

with basic understanding and vocabulary in addition to the historical context and relevance. The commenter also stated the assessments become an exercise in frustration and provide no opportunity for learning. (38)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

61. **COMMENT:** The commenter stated that much of the PARCC assessments is still multiple choice even though students are not filling in a bubble on a Scantron sheet, which means students still are being guided to answer to someone else’s idea of what is most important and what the text means rather than students generating their own ideas about the meaning and importance of text. (38)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

62. **COMMENT:** The commenter complimented the current Administration for recommitting to ending PARCC and urged a definitive end to the data-driven standardized testing era. The commenter suggested instead the creation of active, hands-on, live assessments that engage all stakeholders to stretch their imaginations and collaboratively solve real-world problems, take advantage of rich local resources outside of the classroom, and focus on the assessment of the best capabilities of each child as an individual. (39)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

63. **COMMENT:** The commenter stated that PARCC scores were never scientifically validated and the algorithms used were so complex that the results were not falsifiable. The commenter also stated the PARCC assessment is poor science and New Jersey’s use of PARCC could have been prevented if the State Board had listened in 2015 to the individuals testifying against the testing methodology. (39)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

64. **COMMENT:** The commenter stated the State’s assessment system arbitrarily fails 20 percent of students based on their grasp of algebra. The commenter also stated that test scores correlate to the wealth and education of parents and the assessment system is biased. (39)

RESPONSE: While the State assessment system is not constructed or designed to arbitrarily “fail” 20 percent of the students who take Algebra I, the commenter’s concerns will be taken into account as part of the upcoming comprehensive review.

65. **COMMENT:** The commenter questioned why the State would use an assessment with scoring so oblique that 20 percent of students must fall below the cut score while no one knows who is scoring the test or what the cut score will be. The commenter also stated PARCC is not valid and cannot be used to ascertain where schools and students are struggling in order to focus on strengthening those areas. The commenter further stated the PARCC tests are never returned and it is never known which questions were difficult, which areas of study were weak or strong, or if the scores were correct. (55)

RESPONSE: While the State assessment system is not constructed or designed to arbitrarily “fail” 20 percent of the students, the commenter’s concerns will be taken into account as part of the upcoming comprehensive review.

66. **COMMENT:** The commenter stated PARCC has become a mindless albatross for students who understand and like mathematics but struggle with standardized testing. The commenter also stated a data-driven policy applied against the far reaches of the left side of the naturally occurring bell curve results in students and their individual needs being ignored. The commenter called PARCC a pathetic test of entirely disconnected and made-up problems that provides zero actionable information and overwhelming frustration. (39)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

67. **COMMENT:** The commenter questioned the mathematical adjustments made in the second year of the PARCC assessment to account for the change from two testing periods per year (performance-based assessment and end-of-year assessment) to one testing window. The commenter stated the few changes the State made to the CCSS and the name change of the standards made the original purpose of state-to-state comparisons useless. (39)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

68. **COMMENT:** The commenter expressed dismay that the Department did not listen to parents and students who attend the State’s public schools in terms of the continuation of the PARCC assessment. The commenter stated PARCC has no place in schools or in the lives of children, parents, and teachers. The commenter suggested for the Department to stop using PARCC and to gather the finest minds in education to create a test that will relate to real-life situations, which the commenter stated will lead to results that speak for themselves. (43)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

69. **COMMENT:** The commenter asked why only one percent of students with disabilities are permitted to take the alternative assessment rather than PARCC. The commenter also questioned why profoundly delayed students must be assessed at their grade level rather than their functional level. (40)

RESPONSE: Federal law states that no more than one percent of students with disabilities Statewide can take the alternate proficiency assessment.

Students who participate in alternate assessments must be instructed and assessed on content that is linked to grade level, but this requirement is not the same as being assessed on grade level. Alternate assessments test grade-level linked skills, but not grade-level skills. For example, a student who may be tested in mathematics on locating points on a coordinate grid must have received previous instruction in coordinate grids on many related skills (for example, paired numbers, positive and negative numbers, etc.). For students who are tested on alternate assessments, the skill sets selected for testing are

the building blocks of instruction that would lead to higher-level and grade-level instruction. For some students, being tested on identification of positive numbers on a time line might be the tested skill as it is one of the building blocks to the grade-level skill of coordinate grid skill questions. For other students taking the alternate assessment, adding or subtracting numbers on a number line might be the building block skill on which the students are being instructed and assessed.

- 70. COMMENT:** The commenter further asked why teachers are forbidden to assist any student when he or she is having difficulty navigating the PARCC assessment online and why teachers cannot look at the test. **(40)**

RESPONSE: While it is standard testing protocol to not allow proctors to view items while students are testing, the commenter’s concerns will be taken into account as part of the upcoming comprehensive review.

- 71. COMMENT:** The commenter stated there are problems regarding accommodations on computerized tests and numerous difficulties with the technology. The commenter also stated the accommodation for extra time on PARCC means a student can take the test during the course of an entire day and it can be frustrating and defeating for students to sit at a computer all day long. The commenter further stated extra time on the NJASK meant students could stop when they were fatigued and start again on the next day, which was a better indicator of what a student knew even if it took a student a week to finish the assessment.

The commenter also stated the text-to-speech accommodation is robotic and the voice reads punctuation, which is very confusing to a student with a language disability. The commenter further stated the text-to-speech accommodation did not always work correctly. The commenter also stated deaf students reported they could not understand the human signer and there was no way to interact or communicate for clarification. **(40)**

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 72. COMMENT:** The commenter stated PARCC is developmentally inappropriate and the cut scores were set after students took the test. The commenter also stated no metrics were given about how the cut scores were determined. The commenter further stated the PARCC cut scores are based on the “proficient” level established by National Assessment of Educational Progress (NAEP), which the commenter indicated is equivalent to an “A” and “not proficient” is equivalent to a “B.” **(53)**

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 73. COMMENT:** The commenter stated the school report cards are negatively affected because parents exercise their rights to not have their children take PARCC. The commenter stated parental refusals has led schools to lie to students that they cannot refuse to take PARCC or to penalize students by denying access to higher education courses or by having them repeat a course in which they earned an “A” but did not take the PARCC assessment. **(53)**

RESPONSE: Federal law requires that all students take statewide assessments. Schools and school districts must have 95 percent of their students participate to avoid any

potential penalties. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 74. COMMENT:** The commenter stated PARCC tests students with disabilities at the grade they are in rather than their level, which the commenter stated is unfair and cruel. **(53)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 75. COMMENT:** The commenter urged the Department to stop using PARCC because all but four states and Washington D.C. have stopped using PARCC for valid reasons. **(53)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 76. COMMENT:** The commenter expressed concerns with the method by which PARCC is presented but not the assessment's content. The commenter stated each student should be provided with a printed copy of the PARCC readings and questions that correspond directly to the electronic version to ensure a fair and valid assessment of students' reading abilities. The commenter supported providing students with printed copies for the following reasons:

- PARCC does not take into account students' developmental and pedagogical needs, including the stages of reading development. PARCC's testing method ignores the complex cognitive and sensory skills involved in reading, especially the tactile aspect;
- PARCC requires students to write descriptive reports, analytical arguments, and comparative analyses based upon multiple sources while allowing students to view only partial sections of each source at one time, which requires students to remember and mentally manipulate up to three separate sources simultaneously while scrolling back and forth among them to find answers for the objective questions and supporting evidence for the written responses;
- Working memory and attention is one of the essential skills for reading comprehension. A student's working memory is overburdened without a paper copy to reference, highlight, annotate, and return to and, therefore, subjects the student to an unfair process that does not assess actual reading competency. Most reading instruction involves paper and a student's relationship and response to the printed word. Students are taught to return to the source when responding to questions that assess comprehension, which is impossible when using only electronic sources; and
- Education is about preparing students for the adult world and numerous professions require the examination and reexamination of pages of printed data and manuals to write reports and perform job duties. It is unrealistic and impractical to require the tasks to be completed electronically and without paper copies.

The commenter also provided examples based on the second unit of the grades four and 10 PARCC ELA practice test available online whereby students are asked to read passages of 14 or more paragraphs while only one or two paragraphs can be viewed at a time and then answer questions related to the entire passage, locate specific sentences, or write a descriptive report that requires scrolling through the entire written passage and through a video to gather evidence. **(54)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

77. **COMMENT:** The commenter stated PARCC is ineffective for educators and students. The commenter also stated phonics instruction has become a mini-lesson, which has led to an increased need for remediation programs that identify students who cannot read fluently by grade four because they lack the foundational skills that were supposed to be provided by phonics instruction in earlier grades. The commenter further stated recess has been reduced by half to 15 minutes to allow for an 80-minute instruction block, which results in students struggling to stay focused because they are being asked to sit still when they are meant to be developing gross motor skills and need frequent breaks and socializing. (56)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

78. **COMMENT:** The commenter stated PARCC is not a useful teaching tool and provides educators with very little while creating pressure to finish an entire year's curriculum by March without time to remediate on an individual level. The commenter also stated a teacher can tell when students need extra help, motivation to stay on task, or extra challenges and other assessments, such as NWEA's MAP test, confirms what a teacher already knows and is a useful tool for setting goals with students and sharing reading levels with parents. (56)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

79. **COMMENT:** The commenter stated PARCC testing is an onerous standardized testing protocol that was wrong from the beginning. The commenter also stated PARCC was never validated or useful because it stemmed from the CCSS and the assessment was rushed and forced. The commenter further stated PARCC has resulted in the loss of wonderful educators who were forced to teach to a test while their profession was handed over to State mandates and Pearson and were evaluated on things not within their control to change. The commenter also stated PARCC has had negative effects on students through lost instructional time and increased pressure to perform well on tests that are not useful. (57)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

80. **COMMENT:** The commenter expressed concern over the amount of testing to which students are subjected each year and the effects it has on their school schedules and individual growth. The commenter stated over testing has led to a reduction in recess, curriculum being pushed beyond developmentally appropriate levels, and test preparation becoming the focus of the school year. The commenter also stated end-of-the-year testing now extends from the end of March to the last full day of school, which has visibly changed students' demeanor. (56)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 81. COMMENT:** The commenter stated PARCC has ignited a fear of failure in students, rather than a passion for learning, and suppresses motivation and creativity through endless test preparation, narrowing of the curriculum, and a boring learning environment. The commenter also stated that more emphasis should be placed on imagination, curiosity, creativity, passion, teamwork, and social skills rather than standardized testing. (36)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 82. COMMENT:** The commenters stated the use of PARCC has resulted in undue anxiety and stress on students and teachers. (10, 11, 23, 28, 35, 36)

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenters' concerns will be taken into account as part of the upcoming comprehensive review.

- 83. COMMENT:** The commenters stated the pressure that PARCC places on students, no matter their intelligence level, has altered PARCC scores for the worst. The commenters also stated PARCC can remain in place, but the evaluation of students and teachers and high school graduation should not be dependent on a singular test that induces stress and panic. (23, 43)

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenters' concerns will be taken into account as part of the upcoming comprehensive review.

- 84. COMMENT:** The commenter urged the Department to end its use of PARCC because the assessment has caused students to become stressed over scores and has resulted in schools pressuring students while focusing only on ELA and mathematics and ignoring science and the importance of learning life lessons. (11)

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

- 85. COMMENT:** The commenter opposed the State's use of PARCC as a graduation requirement because the high-stakes test has resulted in students presenting more frequently with symptoms of anxiety and other mental health complaints and at a greater intensity. The commenter also stated teachers and administrators have increased anxiety because of the pressure PARCC has created to make passing tests the primary focus of education even though PARCC is poorly designed and has limited validity and reliability. (35)

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

- 86. COMMENT:** The commenter stated school is supposed to be a place of learning, exchanging ideas, support, and fun, but PARCC has made school a horror for students and led to students begging to not go to school or to be homeschooled. The commenter stated students as young as third grade have committed suicide because of the pressure placed on them because of PARCC and the pressure of school. The commenter also expressed concern that children's futures are determined by test scores. **(43)**

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenter's concerns will be taken into account as part of the upcoming comprehensive review.

- 87. COMMENT:** The commenter urged the Department to not renew the contract for PARCC when it expires in June. The commenter suggested instead using an off-the-shelf assessment for grades three through eight and use the SAT or ACT for the high school assessment. The commenter stated the alternative assessments would meet the minimum Federal requirements. **(52)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 88. COMMENT:** The commenter urged the Department to use the next few years to engage stakeholders, including students, parents, teachers, and administrators, and to stop using as a weapon assessment scores that correlate to the relative wealth of school districts. The commenter also suggested the Department develop assessments that have a low impact on school districts in terms of cost, loss of classroom learning time, narrowing of curriculum, and punitive consequences for low-performing school districts. The commenter further suggested the Department use the assessment scores to identify school districts that need help. **(52)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 89. COMMENT:** The commenter urged the Department to not renew the contract for PARCC, which the commenter stated will foster a new era of allowing educators to teach and students to learn. The commenter also stated there are better ways than high-stakes tests to assess a student's abilities. The commenter further stated PARCC is a computerized test and questioned whether PARCC tests a student's knowledge or how fast he or she can type and navigate a keyboard. **(53)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 90. COMMENT:** The commenter stated one assessment should not be used for multiple purposes, such as using PARCC in teacher and administrator evaluations, student and school rankings, and placement into advanced programs. The commenter also stated PARCC has never been validated for all of those uses. **(52)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 91. COMMENT:** The commenter opposed the State’s use of PARCC because the extreme focus on standardized testing and on the high stakes attached to one test in high school worsened the current epidemic of mental health issues being experienced by students in New Jersey. The commenter said the flurry to buy computers, upgrade Internet capacity, and figure out scheduling before the first PARCC administration led to anxiety for teachers and administrators. The commenter also stated anxiety increased once teachers learned their evaluations would be tied largely to their students’ performance on the test. The commenter further stated student anxiety increased once test-prep booklets were sent home on top of homework assignments, which led to more than four hours of homework each night. The commenter also stated school schedules drastically changed because foreign language time was cut back for additional ELA or mathematics blocks and literature and poetry were eliminated to make room for test preparation. **(55)**

RESPONSE: While the Department works proactively with school districts to address student mental health and the various sources of stress experienced by students, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 92. COMMENT:** The commenter expressed support for the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to change the State’s elementary science assessment to grade five because it aligns to the completion of the elementary NJSLS-S and will provide for a more complete assessment. **(8)**

RESPONSE: The Department thanks the commenter for the support.

- 93. COMMENT:** The commenter expressed support for the administration of an elementary school science assessment and the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to move the elementary science assessment from grade four to grade five to align with adjustments made to the NJSLS in science. **(48)**

RESPONSE: The Department thanks the commenter for the support.

- 94. COMMENT:** The commenter suggested a delay in the implementation of new State science assessments for elementary and middle school until students have completed the three-year bands of instruction tied to the implementation of the NJSLS-S. The commenter stated the NJSLS-S were required to be implemented in 2016 for grades six through eight and in 2017 for kindergarten through grade five. The commenter also stated the content is organized into three-year grade level bands and, as a result, students in grade eight will not have experienced all three years of instruction aligned to the NJSLS-S until the 2018-2019 school year. The commenter further stated students in grade five will not experience the entire three-year band until the 2019-2020 school year. The commenter also stated the implementation of the NJSLS-S has required a huge shift in content knowledge and pedagogy for teachers and it will take school districts at least three years to ensure teachers have properly unpacked the new standards and have an understanding of how to implement them. **(1)**

RESPONSE: The NGSS were adopted by the State Board of Education in July 2014. School districts were provided with a two-year transition period to prepare educators and to revise science curriculum in grades six through 12. Educators in kindergarten through grade five were provided a three-year transition period.

The administration of the New Jersey Student Learning Assessments for Science (NJSLA-S) in the spring of 2018 is a field test. Field test data will not be reported to school districts and will not be a part of the QSAC monitoring. The administration of the NJSLA-S in the spring of 2019 will be a baseline assessment and the data will be used to determine proficiency levels. Six years will have been afforded from the implementation of the NJSLS-S until the first administration for accountability of the NJSLA-S.

The Department recognizes the transition to new academic standards can be challenging and, therefore, has provided a significant number of professional learning resources and opportunities in both digital and face-to-face platforms. The transition period from adoption to implementation was consistent with previous science standards revisions. The transition period for the implementation of updated curriculum and instructional practices -- in combination with a deliberate three-year transition period of operational assessments -- has provided school districts with a six-year transition between adoption and accountability.

- 95. COMMENT:** The commenter expressed concern with the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i to change the elementary science assessment to grade five. The commenter questioned the timing of the proposed amendment since its possible adoption could occur at the same time as the grade five assessment is field tested by the Department. The commenter questioned the haste with which the previous administration put forth the amendment and the changes that will result since administrators and teachers plan for such changes well in advance to ensure the best student outcomes. The commenter stated that field testing the grade five science assessment this spring does not allow adequate planning and preparation and that hasty implementation is educationally irresponsible. The commenter further stated that delaying the implementation of the grade five science assessment is the best way to assess students in a manner that is both constructive and informative to educators. **(3)**

RESPONSE: Regardless of the grade level of the science assessment this year, curriculum and instruction in kindergarten through grade 12 are expected to have aligned to the NJSLS-S. The proposal of the amendment was linked to the contract procurement, which is a complicated process. The Department sent out notification regarding the potential grade change via broadcast to school districts on September 26, 2017, and November 8, 2017, to ensure the potential changes were known in advance of the assessment's administration.

ESSA requires states to annually test science in elementary, middle, and high school grade bands. The State is required to test science this year. However, the Department has requested a waiver from the United States Department of Education to waive the reporting requirements to allow New Jersey to administer a field test, which is an integral part of the implementation plan.

- 96. COMMENT:** The commenter recommended an amendment at N.J.A.C. 6A:8-4.5(c), which requires the Department to report performance on the alternative proficiency assessment (APA) with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students. The commenter suggested replacing the reference to the APA with the Dynamic Learning Map (DLM) for science to reflect the current assessment for students who are unable to participate in the science component of the Statewide assessment. **(2)**

RESPONSE: The Department thanks the commenter for pointing out the discrepancy in the name of the alternative assessment for students with disabilities. The Department in 2016 replaced the definition for “APA” and all other references to it with “alternative assessment for students with disabilities.” The Department will make the correction at N.J.A.C. 6A:8-4.5(c) in a future rulemaking.

97. **COMMENT:** The commenters opposed the use of PARCC as a high school graduation requirement. (5, 6, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36)

RESPONSE: The commenters’ concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

98. **COMMENT:** The commenter urged the Department to withdraw the proposed readoption with amendment of N.J.A.C. 6A:8 because the rules violate State law and the Legislature’s intent. The commenter stated that N.J.S.A. 18A:7C-6 establishes the State graduation proficiency assessments as an 11th grade test in mathematics and ELA while N.J.A.C. 6A:8 designate the PARCC assessments for ELA 10 and Algebra I, neither of which the commenter contended is an 11th grade test. (37)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

99. **COMMENT:** The commenters stated only the Legislature has the authority to change the grade level established in statute and cited actions by the Legislature in 2017 that declared the current rules for graduation assessments are inconsistent with legislative intent. (37, 58)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

100. **COMMENT:** The commenter stated the State Board has not explained why it is readopting regulations clearly at odds with State law, the Legislature, and Governor Murphy, who pledged to replace PARCC and end high school graduation assessments. (37)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

101. **COMMENT:** The commenters stated Department data from the past several years document that implementation of the rules would be disastrous for New Jersey students, schools, and families. The commenters indicated that the graduation policies proposed for readoption would reverse the progress made in the State’s high school graduation rate, which has improved each year since 2011 to surpass 90 percent in 2016 and become the second-highest graduation rate in the nation. The commenters also stated the 2017 passing rates on PARCC ELA 10 and Algebra I were 46 and 42 percent, respectively,

which indicates that less than half of the nearly 100,000 students who graduate each year are on track to satisfy the PARCC assessment requirements for graduation. The commenters further stated that only 27 percent of the Class of 2017 graduated by passing the required PARCC assessments and more than 60 percent of graduates used the alternative assessment options, including the SAT, PSAT, and ACT, that will no longer be available starting with graduates in the Class of 2021. (37, 58)

RESPONSE: The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 102. COMMENT:** The commenters stated the graduation prospects of tens of thousands of high school students, especially current freshmen and classes that follow, will be at risk unless the rules are changed. The commenters also stated the State's graduation rate will drop dramatically and school districts will be under pressure to process tens of thousands of portfolio appeals, which the commenters maintained is a cumbersome and costly process that was never designed to be a major graduation pathway for students. The commenters further stated that at-risk students, students of color, and high-need school districts will bear the disparate impact of the proposed rules. (37, 58)

RESPONSE: The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 103. COMMENT:** The commenters suggested that the rules be revised to provide real supports and opportunities for high school students across the State. (37, 58)

RESPONSE: The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 104. COMMENT:** The commenter stated N.J.A.C. 6A:8 violates State law and opposed the rules proposed for readoption because they fail to remedy the violations. The commenter also stated there are key legal and policy problems associated with readopting the chapter's graduation assessment rules. (58)

RESPONSE: While the Department cannot respond to the commenter's legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 105. COMMENT:** The commenter stated the State Board should not readopt regulations that go beyond its authority as the implementing agency and directly contradict the State Legislature's mandates. The commenter stated the State Board, instead, should refer the issues back to the Department to develop new rules that meet statutory and constitutional requirements and represent sound policy for the State's high school students. (58)

RESPONSE: While the Department cannot respond to the commenter's legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 106. COMMENT:** The commenter stated the graduation assessment rules contradict the Proficiency Standards and Assessment Act (Act) (N.J.S.A. 18A:7C-1 et seq.). The commenter stated the most obvious discrepancy is that the rules do not conform to the

statutory requirement of a grade 11 graduation assessment. The commenter also stated the Legislature amended the Act in 1988 to move the graduation assessment to grade 11 from grade nine and explicitly required the State graduation proficiency assessment to “be administered to all 11th grade pupils.” The commenter further stated the 2016 amendments to N.J.A.C. 6A:8 changed the State graduation assessment to PARCC ELA 10 and Algebra I, which are administered respectively at the end of grade 10 or at whatever grade a student takes the course. (58)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 107. COMMENT:** The commenter opposed the proposed readoption with amendment of N.J.A.C. 6A:8 because the rules violate State law and the Legislature’s intent. The commenter stated that State law establishes the graduation proficiency assessments as an 11th grade test in mathematics and ELA while N.J.A.C. 6A:8 includes a jumbled and confusing collection of multiple tests in multiple grades. The commenter cited actions by the Legislature in 2017 that declared the current rules for graduation assessments are inconsistent with legislative intent. The commenter also questioned why the State Board has not attempted to align the graduation requirements with State law, especially since Governor Murphy has indicated a move away from PARCC and high school graduation exams. (52)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 108. COMMENT:** The commenter stated the graduation assessment rules and the required PARCC ELA 10 and Algebra I contradict the Act’s requirement for a single, comprehensive graduation assessment. The commenter referenced N.J.S.A. 18A:7C-1’s requirement for “a Statewide assessment test in reading, writing, and computational skills” and N.J.S.A. 18A:7C-2’s requirement for graduation standards to include “[s]atisfactory performance on the Statewide assessment test.” The commenter stated the administration of one of the required PARCC exams has no connection to the administration of the other and the assessments do not even have to be given in the same grade level, let alone in the same sitting as one comprehensive assessment. (58)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 109. COMMENT:** The commenter stated the graduation assessment rules also contradict the Act’s requirement that students have multiple opportunities to pass the State graduation assessment. The commenter stated N.J.S.A. 18A:7C-6 requires the State graduation assessment to be administered to all students in grade 11 and to any student in grade 11 or 12 who previously failed to demonstrate mastery. The commenter also stated the current rules do not include the requirement of repeated administrations of the assessment, as did previous versions of the rules, and includes a retesting provision only for students in the class of 2021 and beyond. The commenter further stated retesting

would contradict PARCC's stated design and purpose as an end-of-course assessment. The commenter also stated that retesting in both grades 11 and 12 as the Act requires would be impossible for students who take Algebra I for the first time as seniors. (58)

RESPONSE: While the Department cannot respond to the commenter's legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

110. **COMMENT:** The commenter stated the graduation assessment rules further contradict the Act by conditioning access to alternative assessments on participation in PARCC. The commenter stated the Act allows for an alternative assessment for grade 12 students who meet all other graduation requirements except for the State assessment. The commenter also stated the current rules contradict the Act's language that grants students the right to access the alternative assessment because N.J.A.C. 6A:8-5.1(f)2 and (g) require students in the class of 2020 and beyond to take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled before being able to access alternative assessments. (58)

RESPONSE: While the Department cannot respond to the commenter's legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

111. **COMMENT:** The commenter stated the graduation assessment rules infringe on the rights guaranteed by the education clause in the New Jersey Constitution by the inclusion of substitute competency tests as a graduation pathway for students through the class of 2020. The commenter stated the substitute competency tests, which include the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or ACCUPLACER, are not aligned with the State's academic standards. The commenter further stated the State's academic standards have been judicially recognized as an essential element of a thorough and efficient education. The commenter also stated the State's assessment system was considered an essential component of a constitutionally adequate education by the New Jersey Supreme Court in its 1997 *Abbott v. Burke* ruling (149 N.J. 145, 152, 162 ("Abbott IV")) and the assessment system was explicitly based on the academic standards. The commenter stated the State Board acknowledged that the substitute competency tests in the graduation rules are not aligned with State standards. The commenter also stated instituting graduation pathways through exams not aligned to the State standards is a violation of the education clause because assessment aligned to the standards is an element of the right to a thorough and efficient education. The commenter stated it is immaterial that the violation will occur for a limited number of years. (58)

RESPONSE: While the Department cannot respond to the commenter's legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

112. **COMMENT:** The commenter stated fee-based access to some of the substitute assessments, such as the SAT and ACT, violates the education clause of the New Jersey Constitution, which the commenter maintained clearly requires that a thorough and efficient education be free to all students. The commenter also stated access to any part of the assessment system cannot be based on the payment of fees because the system is part

of a thorough and efficient education. The commenter further stated it is illegal to offer wealthier students more avenues to fulfill the graduation assessment requirement than poor students. (58)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

113. **COMMENT:** The commenter stated the use of fee-based substitute assessments, such as the SAT and ACT, violates the New Jersey Law Against Discrimination “LAD” by having a disparate impact on racial minority and ELL students. The commenter also stated the LAD prohibits direct or indirect discrimination based on race, color, national origin, and other protected characteristics in places of public accommodation, including high schools, and also prohibits actions that have a disparate impact on protected groups. The commenter stated the graduation rules will have a disparate impact on high school students based on race and national origin because low-income students – who are more likely to be Black, Hispanic, and ELLs based on cited statistics – will have more limited access to the graduation pathway of fee-based substitute assessments. The commenter also stated fewer opportunities for racial minority and ELL students to access the assessments they must pass to earn a diploma means few of the students will graduate, thus creating a disparate negative impact of the graduation rules. (58)

RESPONSE: While the Department cannot respond to the commenter’s legal arguments because the issue raised by the commenter is the subject of ongoing litigation, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

114. **COMMENT:** The commenters stated the use as a graduation requirement of a time-tested standardized assessment, such as Iowa Tests, SAT, or ACT, and requiring students to show improvement from grades nine to 11 would be efficient and less expensive than PARCC. (18, 20)

RESPONSE: The commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

115. **COMMENT:** The commenters stated that Federal law does not mandate testing for high school graduation and suggested that New Jersey join other states that have eliminated the requirement of a high school graduation test. (21, 51, 55)

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students’ ability to meet high school graduation requirements. The commenters’ concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

116. **COMMENT:** The commenters stated the State’s current graduation requirements for assessments are abusive and questioned why an eighth-grade student earning As and Bs in Algebra would be deemed unqualified to graduate high school even before entering it just because the student did not pass the PARCC Algebra I test. (5, 52)

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students’ ability to meet high school graduation

requirements. The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 117. COMMENT:** The commenter questioned why the State uses PARCC as a graduation requirement when data from 2017 shows that many graduating seniors used an alternative test. **(13)**

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 118. COMMENT:** The commenters stated the average passing rate of 40 percent on PARCC Statewide will force 60 percent of New Jersey students using the portfolio appeals process, which will place unsustainable and unjustifiable demands on teachers, school administrators, and the State. **(5, 55)**

RESPONSE: The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 119. COMMENT:** The commenter urged the Department to reconsider using PARCC because recent data shows many students will not graduate, especially minority students, students with disabilities, or students who are not computer savvy. The commenter also stated many students are bright but not good test takers. **(15)**

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 120. COMMENT:** The commenter stated the performance on one test should not be allowed to prevent a student from graduating high school and invalidate four years of hard work. **(12)**

RESPONSE: State law requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 121. COMMENT:** The commenter stated standardized tests should be used only for planning and adjusting course curricula and not as a high school graduation requirement or in teacher evaluations. **(30)**

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

The comment regarding teacher evaluation is outside the rulemaking's scope because N.J.A.C. 6A:8 does not include rules for educator evaluations.

- 122. COMMENT:** The commenter stated the current State assessment graduation requirement ties parents' and educators' hands and essentially removes parents' legal right to refuse PARCC because it soon will be required in all paths to graduation. The commenter also stated the current policy was created only because of the large opposition to PARCC by New Jersey parents and educators. The commenter further stated that parents deserve their legal right to refuse students' participation in PARCC without risking their graduation status. **(35)**

RESPONSE: Federal law requires that all students take statewide assessments. Schools and school districts must have 95 percent of their students participate to avoid any potential penalties. State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 123. COMMENT:** The commenter questioned why the State would require PARCC as a graduation requirement when it lacks validity and reliability, and was created by big business with the former Governor's political interests in mind and not the best interest of students. The commenter further called for the State to quickly develop better assessments that are valid, reliable, and less frequent. **(35)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 124. COMMENT:** The commenters stated that high school graduation should be based only on student grades, final exams, and/or other district-determined factors and not PARCC. **(6, 7, 9, 22, 36)**

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 125. COMMENT:** The commenters stated that if PARCC or its replacement is required for high school graduation, the SAT® or ACT® should continue to be acceptable alternatives for meeting the assessment requirement. **(22, 51, 55)**

RESPONSE: The commenters' concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 126. COMMENT:** The commenter stated PARCC assesses more than basic skills, which is the requirement established by State law for high school graduation, and well above grade level. The commenter suggested that the Department replace the PARCC with the SAT and establish a reasonable cut score to fulfill the basic skills assessment requirement for graduation. The commenter also stated the money currently spent on PARCC assessments could cover the cost of the SAT and enable students to simultaneously fulfill high graduation and college entrance requirements. **(5)**

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 127. COMMENT:** The commenter urged the Department to not renew PARCC and to bring back assessments that comply with State laws, like the High School Proficiency Assessment (HSPA). (9)

RESPONSE: While the Department cannot respond further because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 128. COMMENT:** The commenter stated the Department must act immediately to replace PARCC at the high school level with either the SAT or the ACT. The commenter further stated the State's graduation requirement to complete a high school exit exam must be eliminated to ensure equity and access. (50)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 129. COMMENT:** The commenter expressed concern that it appears her child and other students in the class of 2022 who did not take the PARCC assessments will be unable to graduate unless they take a remedial Algebra I class and then pass some sort of assessment. The commenter stated the four years of hard work, grades, homework, class participation, and test taking will not matter because the decision whether students will graduate will be based on standardized tests taken in grades eight and 10. The commenter also stated the assessment requirements for graduation are unfair and do not serve the interests of New Jersey's students, citing research that indicates exit exams have harmed tens of thousands of students but have not improved outcomes of high school graduates. The commenter further stated standardized tests prove who is good at test taking, not who is good at critical thinking, teamwork, problem solving, and communicating, which are the skills students learn on a daily basis in school. (51)

RESPONSE: State law currently requires the Department to administer a Statewide assessment as one indicator of students' ability to meet high school graduation requirements. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 130. COMMENT:** The commenter stated current State law requires testing in only grades three, eight, and 11, yet PARCC is an overreach, cumbersome, and a financial burden to schools and students as it tests grades three through 11. The commenter also stated some school districts try to make students in grade 12 take PARCC. The commenter further stated PARCC takes over a school from teachers' and students' perspectives. (53)

RESPONSE: The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 131. COMMENT:** The commenter stated the high refusal rates of parents has led to school districts being unable to meet the 95 percent participation threshold, which has led to fear of retaliation by the State and caused administrators to do everything within their power to get students to take PARCC. The commenter stated high school students who have opted-out of PARCC but have a 3.8 GPA, take honors and Advanced Placement classes, struggle to find time to study due to loss of instructional time for test preparation and testing, are told they cannot graduate unless they take all of the tests. (57)

RESPONSE: Federal law requires all students take statewide assessments. Schools and school districts must have 95 percent of their students participate to avoid any potential penalties. The commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 132. COMMENT:** The commenter urged the Department to not renew any relationship with Pearson, reinstate a contract for PARCC in any version, or force an annual testing protocol and graduation requirement that violates State education laws. (57)

RESPONSE: While the Department cannot respond further because the issue raised by the commenter is the subject of ongoing litigation, the commenter's concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 133. COMMENT:** The commenter stated a three-layered approach to accountability would provide triangulated data points that could inform all areas of the education process and not allow one indicator to make or break a school district's rating. The commenter also stated an approach with district, state, and national accreditation layers would provide feedback about school quality to the public and provide actionable formative data that school personnel can use for more evidence-informed enhancement efforts. The commenter further stated the district layer would require school districts to be accountable for assembling a portfolio of districtwide indicators that provide information on how well students are developing academically, socio-civically, and avocationally, including high-quality, teacher-designed, criterion-referenced assessments that foster effective teaching methods. The commenter suggested the state layer would include the Department administering low-stakes, nonintrusive, off-the-shelf standardized assessments of basic skills in grades three through eight to satisfy Federal testing requirements under ESSA but carrying little weight in the overall accountability system. The commenter stated the Department also would provide job-embedded professional development for teachers on quality assessment design, problem-based activity development, and scoring protocols and processes and the State would audit a percentage of district-level accountability assessments to maintain quality control of the scoring process. The commenter further suggested the national layer would include accreditation of schools and school districts by third-party regional accreditation organizations. (4)

RESPONSE: The Department's accountability systems, including New Jersey's approved ESSA state plan and QSAC, are not within the current rulemaking's scope. However, the Department welcomes feedback from the public regarding the accountability systems as appropriate.

- 134. COMMENT:** The commenter questioned whether there has been an audit of the cost to the taxpayers of New Jersey for the test-prep materials, new lesson plans, textbooks, computers, upgrades to technology and infrastructure, test fees, and scoring report costs. The commenter also asked for a total cost related to PARCC. (55)

RESPONSE: The comment is outside the rulemaking's scope because N.J.A.C. 6A:8 does not govern audits or assessment costs.

- 135. COMMENT:** The commenter asked what happens to all of the data collected through PARCC, what entity stores the data, and how much it costs for storage. The commenter stated it was estimated in the first years of PARCC that data storage companies like Microsoft would earn \$5 per child. The commenter also questioned who has access to the

data, whether a third party(ies) can sell the data, and whether the privacy of student data is being protected and by whom. (55)

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not govern data privacy or storage.

- 136. COMMENT:** The commenter asked why guidance counselors are forced to cancel group and individual sessions with at-risk students due to testing responsibilities at a time of increased violence in schools. The commenter also asked why non-tested grades are missing special-area classes (that is, physical education, art, etc.) because the educators who teach the special-area classes are being used as proctors or their classrooms are being used for testing. The commenter further questioned why resource teachers are unable to serve their students with individual education programs for up to three weeks while proctoring the testing rooms. (40)

RESPONSE: The comment is outside the scope of the current rulemaking N.J.A.C. 6A:8 because it does not govern school schedules or test administration protocols.

- 137. COMMENT:** The commenter posed questions about student learning, how it is measured, and how teachers are measured and stated the questions are crucial to the health of society and democracy but not measured accurately by standardized testing. The commenter also stated that standardized tests have become increasingly relied upon for information they do not measure. The commenter also stated that the Federal No Child Left Behind (NCLB) resulted in a full-year test prep class as opposed to the small part of teaching duties consumed by test prep prior to NCLB. The commenter further stated the expansion of testing under NCLB led to changes in students and has caused them to be afraid to think for themselves and come up with three responses or adjectives for every task. (38)

RESPONSE: The comments are outside the scope of the current rulemaking regarding the readoption with amendment of N.J.A.C. 6A:8.

- 138. COMMENT:** The commenter stated schools have been forced to use “rare” budget dollars for laptops and computers, including maintenance, so PARCC could be administered. The commenter stated her school district and similar school districts do not get computers from the State but pay for them out of their budgets while their tax dollars subsidize the purchase of computers for other school districts. (57)

RESPONSE: The comment is outside the rulemaking’s scope as N.J.A.C. 6A:8 does not govern State education aid or school district budgets.

- 139. COMMENT:** The commenter stated not all parents can afford private schools and, therefore, rely on public schools. The commenter also stated parents want public schools to be as competitive as private schools without the headache of overwhelming testing of students. (43)

RESPONSE: The comment is outside of the rulemaking scope of N.J.A.C. 6A:8.

- 140. COMMENT:** The commenters opposed the use of PARCC and other standardized assessments in teacher evaluations. (6, 7, 9, and 13 through 34)

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include rules for educator evaluations.

- 141. COMMENT:** The commenter stated the State should not force students to take PARCC just to collect data to evaluate schools and teachers. The commenter stated teachers should be evaluated based on classroom observations. **(6)**

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include regulations for educator evaluations.

- 142. COMMENT:** The commenter stated teachers should be evaluated on their academic curriculum and how many students are passing their classes rather than standardized assessments. **(13)**

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include regulations for educator evaluations.

- 143. COMMENT:** The commenter stated students from all walks of life enter the public school system and teachers deal with various problems and, therefore, judgements cannot really be made about performance with such diversity of situations. **(17)**

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include regulations for educator evaluations.

- 144. COMMENT:** The commenter stated PARCC has created an environment where teachers can no longer use their talents, creativity, and passion for teaching because they are forced to teach to the test for fear their students’ failure will affect their own teaching assessment. **(36)**

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include regulations for educator evaluations. To the extent the comment is about the nature of PARCC, the commenter’s concerns will be taken into account as part of the comprehensive review [announced](#) by the Commissioner in March.

- 145. COMMENT:** The commenter objected to the use of PARCC to evaluate teachers because the issues with PARCC are plentiful and the assessment disparately penalizes teachers of students who struggle. **(27)**

RESPONSE: The comment is outside the rulemaking’s scope because N.J.A.C. 6A:8 does not include regulations for educator evaluations.

- 146. COMMENT:** The commenter stated the morale of teachers is very low due, in part, to “test and punish.” The commenter also stated a teacher’s job security continues to be dependent on student test scores and, therefore, questioned who will want to teach the neediest and lowest-functioning students. **(40)**

RESPONSE: The comment is outside the scope of the current rulemaking because N.J.A.C. 6A:8 does not govern educator evaluation.

- 147. COMMENT:** The commenter urged the Department to stop using PARCC because its scores penalize teachers of only ELA and mathematics. **(53)**

RESPONSE: The comment is outside the rulemaking's scope because N.J.A.C. 6A:8 does not include rules for educator evaluations.

- 148. COMMENT:** The commenter stated PARCC is supposed to facilitate data-based instruction but has not proven to be useful in its five-year history. The commenter also stated a teacher's median student growth percentile (mSGP), of which 30 percent is tied to PARCC, provides nothing and does not help teachers improve. **(56)**

RESPONSE: The comment is outside the rulemaking's scope as N.J.A.C. 6A:8 does not govern educator evaluations and mSGPs.

- 149. COMMENT:** The commenter stated the handouts and money spent and lost by the last administration giving Pearson Education tax breaks for its New Jersey headquarters is horrible. **(20)**

RESPONSE: The comment is outside the rulemaking's scope as N.J.A.C. 6A:8 does not govern tax incentive programs.

- 150. COMMENT:** The commenter stated that since the multi-state PARCC task force has disbanded, Pearson Education Inc. and NewsCorp have written off their losses as most states stopped using PARCC and the market dried up for the CCSS. **(39)**

RESPONSE: The comment is outside the scope of the current rulemaking because private companies are not the subject of N.J.A.C. 6A:8.

- 151. COMMENT:** The commenter urged the Department to see Pearson as an educational monopoly that is concerned only with collecting and manipulating data and stealing resources from schools, teachers, and students. **(56)**

RESPONSE: The comment is outside the scope of the current rulemaking because private companies are not the subject of N.J.A.C. 6A:8.

- 152. COMMENT:** The commenter stated PARCC was an attempt to punish public school teachers for the much larger socioeconomic problem of student fail rates in the State and to create a financial relationship with Pearson that would result in a contract for the PARCC assessment if the company moved to New Jersey. **(57)**

RESPONSE: The comment is outside the scope of the current rulemaking because private companies are not the subject of N.J.A.C. 6A:8.

- 153. COMMENT:** The commenter stated no information is gathered by the Department in annual school district reports in terms of the number of students identified as gifted or the number of teacher specialists of gifted students who are employed by school districts. The commenter also stated school districts do not have a specified contact person for gifted and talented with whom the Department can share information. **(46)**

RESPONSE: School districts can provide the Department with additional narrative information about advanced coursework and enrichment opportunities (for example, gifted and talented, honors, Advanced Placement/International Baccalaureate, dual Enrollment) in their submissions for the State's school report card. The Department provides information to superintendents who, in turn, alert appropriate school district

personnel. State law does not require school districts to assign a staff member to act as a liaison to the Department for gifted and talented instruction.

- 154. COMMENT:** The commenter stated the U.S. Department of Education’s Office for Civil Rights recently cited several New Jersey school districts for disproportionately low ratios of students who are living in poverty, ELLs, or students with disabilities in gifted programs. The commenter also referenced a 2015 study by the Jack Kent Cooke Foundation that found “students from low-income families are less likely than other students to reach advanced levels of academic performance, even when demonstrating the potential to do so. These income-based ‘excellence gaps’ appear in elementary school and continue through high school.” **(46)**

RESPONSE: The comment is outside the scope of the current rulemaking.

- 155. COMMENT:** The commenter expressed concern that teachers of gifted and talented students in New Jersey are not required to hold an endorsement in gifted education. The commenter stated students whose exceptionalities place them two or more standard deviations above the norm deserve individualized, research-based strategies for educational success just like students whose IQs place them two standard deviations below the norm. The commenter also stated the emotional and social development of gifted and talented students requires a specialized approach that is best served by teachers with a gifted education endorsement. **(42)**

RESPONSE: The comment is outside the scope of the current rulemaking because endorsements for teaching certificates are governed by N.J.A.C. 6A:9B, State Board of Examiners and Certification, and not N.J.A.C. 6A:8.

- 156. COMMENT:** The commenter stated the State’s preservice requirements for teacher certification require no education about modifying instruction for gifted students even though they spend most, if not all, of their time in school in age-grouped classes. The commenter also stated decisions about placement, content, schedules, and materials for gifted students are being made or ignored by administrators, guidance counselors, and teachers with no training about the academic or social and emotional needs of gifted students. **(46)**

RESPONSE: The comment is outside the scope of the current rulemaking because endorsements for teaching certificates are governed by N.J.A.C. 6A:9B, State Board of Examiners and Certification, and not N.J.A.C. 6A:8.

- 157. COMMENT:** The commenter stated the Department does not employ specialists in gifted education or offer workshops for educators to provide guidance or support to school districts as they attempt to interpret and implement the Administrative Code. The commenter referenced a session about gifted and talented education at the 2017 New Jersey School Boards Association Annual Workshop as evidence that school district administrators and district board of education members need guidance on the topic. The commenter also stated the staff in the Department’s county offices have little or no background or education in gifted education even though they monitor school districts for compliance. **(46)**

RESPONSE: The comment is outside the scope of the current rulemaking because N.J.A.C. 6A:8 does not govern duties or qualifications of Department staff or supports for school districts.

- 158. COMMENT:** The commenter stated two parents reached out to the Department and the New Jersey Association for Gifted Children to ask for assistance because their children's school districts hid information about the identification and testing processes used to determine eligibility for gifted services, as well as their child's individual scores and ranking. The commenter questioned the lack of transparency and equal access and stated keeping information from parents violated their rights. **(46)**

RESPONSE: The comment is outside the scope of the current rulemaking because N.J.A.C. 6A:8 does not govern parental rights regarding information about their children.

- 159. COMMENT:** The commenter stated QSAC is changing to embed gifted students in core subject areas among every other group of students who get special consideration by other laws, including ELLs and students with disabilities, without guidance to school districts on how to serve gifted students. **(46)**

RESPONSE: The comment is outside the scope of the current rulemaking because QSAC is governed by N.J.A.C. 6A:30 and not N.J.A.C. 6A:8.

- 160. COMMENT:** The commenter urged the Department to stop using PARCC because edTPA is a failure, is inaccurate, and discourages individuals from becoming teachers. **(53)**

RESPONSE: The comment is outside the rulemaking's scope because edTPA is not related to PARCC and N.J.A.C. 6A:8 does not include rules for educator preparation programs.

- 161. COMMENT:** The commenter welcomed the State Board's leadership in setting new, tangible, real-world standards of excellence for facilities, staffing, and programming so the next generation can be provided with a wealth of opportunity to learn and grow. **(39)**

RESPONSE: The comment is outside the scope of the current rulemaking because N.J.A.C. 6A:8 does not govern facilities, staffing, or programming.

- 162. COMMENT:** The commenter urged the State Board to support full funding under the School Funding Reform Act (SFRA) or other financial relief for the Cherry Hill School District. **(10)**

RESPONSE: The comment is outside the rulemaking's scope as N.J.A.C. 6A:8 does not govern the allocation of State education aid. The State Board also does not have authority over annual State aid to school districts.

- 163. COMMENT:** The commenter stated there is a moral and State constitutional obligation to support public schools. The commenter also stated the clear choice for healthy and vibrant communities will be public schools that are accountable to the community served as the underlying socioeconomic problems unmasked by standardized test scores are addressed. The commenter further stated this will provide an opportunity to rethink charter schools along with their facilities, programming and staffing so charter schools can provide supplemental services to public schools and the community at large. **(39)**

RESPONSE: The comment is outside the scope of the current rulemaking because N.J.A.C. 6A:8 does not govern support for public schools or the facilities, staffing, and programming in charter schools, which are public schools in New Jersey.



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LAMONT O. REPOLLET, Ed.D.
Acting Commissioner

Adoption Level
May 2, 2018

TO: Members, State Board of Education

FROM: Lamont O. Repollet, Ed.D.
Acting Commissioner

SUBJECT: N.J.A.C. 6A:8, Standards and Assessment

REASON
FOR ACTION: Readoption with Amendment

AUTHORITY: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5,
18A:35-4.2 and 4.7, and 18A:59-5.

SUNSET DATE: August 6, 2018

Summary

The Department of Education (Department) proposes to readopt with amendment N.J.A.C. 6A:8, Standards and Assessment. The chapter, which implements the New Jersey Student Learning Standards (NJSLS) and the Statewide assessment system, was scheduled to expire on February 7, 2018. As the Department has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date of the chapter is extended 180 days to August 6, 2018, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The chapter requires all providers of publicly funded elementary, secondary, and adult high school education programs to align their curriculum and instruction with the NJSLS, which were amended and renamed by the State Board of Education (State Board) in May 2016. The standards previously were known as the Core Curriculum Content Standards (CCCS). The chapter also mandates the implementation of a Statewide assessment system to measure student achievement of the NJSLS.

The chapter originally was adopted in May 2000 and readopted in June 2005. The chapter expired on June 7, 2010, and was adopted again as new rules effective February 7, 2011.

The Department proposes one amendment to the chapter to change the grade level at which the elementary science assessment is administered as part of the State's implementation of the revised science standards, which were adopted in July 2014.

The following is a brief summary of each section within the chapter and the proposed amendment.

Subchapter 1. General Provisions

N.J.A.C. 6A:8-1.1 Purpose

This section establishes the chapter's purpose.

N.J.A.C. 6A:8-1.2 Scope

This section establishes the chapter's scope.

N.J.A.C. 6A:8-1.3 Definitions

This section provides definitions for words and terms used in the chapter.

Subchapter 2. The New Jersey Student Learning Standards

N.J.A.C. 6A:8-2.1 Authority for educational goals and standards

This section identifies the State Board's responsibility for establishing State educational goals and standards. The section also captures the history of the adoption of the CCCS. The section further establishes the process by which the State's academic standards are examined and revised every five years.

N.J.A.C. 6A:8-2.2 Authority for the State Plan for Career and Technical Education

This section designates the State Board as the legally constituted State Board for Career and Technical Education, having responsibility for administration of the State Plan for Career and Technical Education. The section also ties the development of the State Plan for Career and Technical Education to the NJSLS, particularly Standard 8: Technology and Standard 9: 21st Century Life and Careers.

Subchapter 3. Implementation of the New Jersey Student Learning Standards

N.J.A.C. 6A:8-3.1 Curriculum and instruction

This section describes a district board of education's responsibility for the design and delivery of curriculum and instruction needed to address the NJSLS. The section also requires a district board of education to ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, English language learners, students enrolled in alternative education programs, and students who are gifted and talented.

N.J.A.C. 6A:8-3.2 Career education and counseling

This section requires a district board of education to develop and implement a comprehensive and developmental system for the delivery of guidance and academic counseling for all students to facilitate career awareness, exploration, and preparation in fulfillment of the NJSLS.

N.J.A.C. 6A:8-3.3 Enrollment in college courses

This section provides for the continuity of education from secondary through postsecondary by requiring a district board of education to make reasonable efforts to increase opportunities for high school students to take college courses as part of their secondary educational program. The section also establishes parameters for student eligibility, courses, instructors, and credit acceptance.

Subchapter 4. Implementation of the Statewide Assessment System

N.J.A.C. 6A:8-4.1 Statewide assessment system

This section describes the Statewide assessment system linked to the NJSLs.

The Department proposes an amendment at N.J.A.C. 6A:8-4.1(c)1i, which requires the Department to implement the elementary component of the Statewide assessment of the NJSLs consisting of the continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade four, to change the elementary science assessment to grade five. The shift in the grade level for the science assessment is part of the implementation of the revised science standards, which were adopted by the State Board of Education in July 2014 and which all school districts were required to implement by the 2017-2018 school year.

N.J.A.C. 6A:8-4.2 Documentation of student achievement

This section describes the required content of student transcripts and requires a district board of education to maintain accurate student records, including performance on Statewide assessments.

N.J.A.C. 6A:8-4.3 Accountability

This section requires specific reporting of annual State assessment results and requires district boards of education to provide appropriate instruction to improve skills and knowledge for students who perform below established proficiency levels on State or local assessments.

N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts

This section requires the Department to review school and school district performance as measured by the Statewide assessment system.

N.J.A.C. 6A:8-4.5 Public reporting

This section requires the Department to report annually to the State Board and the public on the progress all students and student subgroups in meeting the NJSLs as measured by the Statewide assessment system by publishing and distributing the annual New Jersey School Report Card (now called the New Jersey School Performance Reports) without compromising the confidentiality of individual students.

Subchapter 5. Implementation of Graduation Requirements

N.J.A.C. 6A:8-5.1 Graduation requirements

This section describes the ways in which students can obtain a high school diploma.

N.J.A.C. 6A:8-5.2 High school diplomas

This section provides the requirements that must be met for district boards of education to award State-endorsed high school diplomas. The section provides the other paths by which New Jersey students can earn a diploma.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with an amendment apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including the governing authorities of the following providers: school districts; county vocational school districts; educational services commissions; jointure commissions; charter schools; alternative schools; regional day schools; adult high schools; county special services school districts; the Marie H. Katzenbach School for the Deaf; the Department of Human Services; the Department of Children and Families; the Department of Corrections; the Juvenile Justice Commission; public college-operated programs; and approved private schools for students with disabilities (APSSDs). The rules proposed for readoption with amendment will have an impact on the governing authorities and individuals who administer and provide educational services, as well as students who receive the services.

The rules proposed for readoption with an amendment will have a positive social impact on New Jersey's diverse student population because the rules ensure that all students are prepared both for postsecondary education and for the demands of the 21st century workplace. The rules proposed for readoption with an amendment continue the process of including the performance of students with disabilities and English language learners in the Statewide assessment system. The proposed amendment will have a positive impact on New Jersey's public school students because it will ensure students have mastered the skills and competencies established in the science standards that were adopted in July 2014, which are designed to promote a more authentic understanding of core concepts.

The rules proposed for readoption with an amendment will have a positive social impact on individuals who administer educational services because the rules encourage the active involvement of, and collaboration with, community, business, industry, labor, and higher education representatives in the development and implementation of educational programs.

Economic Impact

The rules proposed for readoption with an amendment will have a positive economic impact on students. The rules proposed for readoption with an amendment will reduce the necessity for many of New Jersey's high school graduates to spend their time and financial resources on remedial courses at the college level. By better preparing those graduates for postsecondary education and for the demands of the 21st century workplace, the rules proposed for readoption with an amendment also have the potential to significantly reduce future unemployment and increase long-term financial security among high school graduates.

The Department does not anticipate the rules proposed for readoption with an amendment will involve increased expenditures for school districts and other providers since all publicly funded education programs in New Jersey currently are required to align curriculum and

instruction to assist students in achieving the NJSLs. The Department also does not anticipate the proposed amendment will have an economic impact because the science assessment will continue to be administered in only one grade at the elementary level.

Federal Standards Statement

The rules proposed for re adoption with an amendment are in compliance with, and do not exceed, Federal education requirements included in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the rules proposed for re adoption with an amendment.

Jobs Impact

The Department does not anticipate that rules proposed for re adoption with an amendment will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for re adoption with an amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The rules proposed for re adoption with an amendment apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including APSSDs. APSSDs are entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities placed by the district board of education responsible for providing the students' education. Most APSSDs could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules included in this chapter are largely programmatic, based on achieving the NJSLs, and must be in place for all students. To the extent that maintaining transcripts or fulfilling other reporting requirements results in additional costs to APSSDs as small businesses, such costs are necessary, and it would be disadvantageous to students and the general public if all providers did not follow the requirements.

Housing Affordability Impact Analysis

The rules proposed for re adoption with an amendment will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for re adoption with an amendment would evoke a change in the average costs associated with housing because the rules concern academic standards, Statewide assessments, and high school graduation requirements.

Smart Growth Development Impact Analysis

The rules proposed for re adoption with an amendment will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules proposed for re adoption with an amendment would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey

because the rules proposed for readoption with an amendment concern academic standards, Statewide assessments, and high school graduation requirements.

Full text of the rules proposed for readoption and the proposed amendment follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 6A:8, STANDARDS AND ASSESSMENT

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CHAPTER 8, STANDARDS AND ASSESSMENT

SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

- (a) To prepare students for college and career, success in life, and work in an economy driven by information, knowledge, and innovation requires a public education system where teaching and learning are aligned with 21st century learning outcomes. The outcomes move beyond a focus on basic competency in core subjects and foster a deeper understanding of academic content at much higher levels by promoting critical thinking, problem solving, and creativity through:
 - 1. The New Jersey Student Learning Standards (NJSLS) that specify expectations in nine academic content areas: English language arts; mathematics; visual and performing arts; comprehensive health and physical education; science; social studies; world languages; technology; and 21st century life and careers;
 - 2. Indicators at benchmark grade levels delineated in the standards that further clarify expectations for student achievement; and
 - 3. Twenty-first century themes and skills integrated into all content standards areas.
- (b) District boards of education shall ensure that standards, assessments, curriculum, instruction, and professional development are aligned in a local support system that enables all students to achieve 21st century outcomes through the establishment of student-centered learning environments that provide opportunities for academically diverse students to:

1. Learn in meaningful, real-world contexts through rigorous and relevant curriculum that promotes engagement in learning by addressing varying college and career goals;
 2. Access and use quality learning tools, technologies, and resources;
 3. Become self directed seekers of knowledge able to evaluate, apply, and create new knowledge in varying contexts; and
 4. Use effective communication, communication technology, and collaboration skills to interact with cultural sensitivity in the diverse local and world community.
- (c) The NJSLS, including indicators, enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of “thorough” public school instruction that promotes college and career readiness.
- (d) The Statewide assessment system is designed to measure college and career readiness and student progress in the attainment of the NJSLS.
- (e) The results of the Statewide assessments shall facilitate program evaluation based on student performance and shall enable district boards of education, the public, and government officials to evaluate the educational delivery systems of all public schools.

6A:8-1.2 Scope

- (a) The New Jersey Student Learning Standards (NJSLS) apply to all students enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey.
- (b) Unless otherwise noted, “district boards of education” shall be interpreted throughout this chapter to include the governing authorities of all providers of publicly funded

elementary, secondary, and adult high school education programs, including county vocational school districts; educational services commissions; jointure commissions; charter schools; alternative schools; regional day schools; adult high schools; county special services school districts; the Marie H. Katzenbach School for the Deaf; the Department of Human Services; the Department of Children and Families; the Department of Corrections; the Juvenile Justice Commission; public college-operated programs; and approved private schools for the disabled.

- (c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the NJSLs and to prepare all students for college and career.
- (d) Progress toward meeting the NJSLs shall be measured by the Statewide assessment system at grades three through 12, or if ungraded at equivalent ages, and at other grade(s) deemed appropriate by the Commissioner.

6A:8-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“ACTFL” means the American Council on the Teaching of Foreign Languages.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

“Advanced Placement courses” means courses aligned with course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

“All students” means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).

“Alternative assessment for students with disabilities” means the alternative assessment used to determine cumulative student achievement of the knowledge and skills specified by the New Jersey Student Learning Standards for students with disabilities who are unable to participate in the Statewide assessment system.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“Approved private schools for the disabled” means incorporated entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

“Assessment” means a State-developed or State-approved standardized instrument or process that measures student performance levels on the New Jersey Student Learning Standards.

“Career awareness, exploration, and preparation” means instruction and programs that assist students to clarify career goals; explore career possibilities; develop employability skills; develop foundational knowledge necessary for success in the workplace; and make the transition from school to careers, including college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

“Chief school administrator” means the superintendent of schools or the administrative principal who works directly with the district board of education if there is no superintendent in the school district.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the New Jersey Student Learning Standards. The content must be taught by

certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“Credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

“Cut score” means a score on the assessment scales that demarcates the various performance levels.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment that substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons that makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the NJSLs.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the NJSLs at the high school level. Such opportunities may occur in all NJSLs and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences. The opportunities shall be based on student interests and career goals.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, ELLs, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSLS.

“Interdisciplinary connections” means integrating NJSLS and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“OPI” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 world languages.

“Pacing guide” means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator's ability to exercise flexibility in meeting students' learning needs.

“PARCC assessment” means the set of assessments designed by the Partnership for Assessment of Readiness for College and Careers used to determine student achievement of knowledge and skills specified by the NJSLS in English language arts and mathematics.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the NJSLS.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes, and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic, and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors, including teachers, counselors, and parents.

“Portfolio appeals process” means an alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC assessments or substitute competency tests.

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness of teachers, principals, and other school personnel in raising student achievement.

“Proficient” or “proficiency” means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“QSAC” means the Quality Single Accountability Continuum, which is used pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.

“STAMP” means Standards-based Measurement of Proficiency, which is a test that is delivered, graded, and reported online, and that assesses students’ language proficiency from the “Novice-Low” to the “Intermediate-Mid” benchmark levels.

“Standards support materials” means documents published by the Department that include and elaborate on the NJSLs for preschool through grade 12 education, and that may assist in the development of local curricula.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“Substitute competency test” means an alternative set of third-party assessments approved by the Commissioner, including, but not limited to the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or Accuplacer, that can be used to demonstrate competency in the NJSLs for students who have not demonstrated proficiency on PARCC assessments.

“Technological literacy” means students meeting NJSLs 8.1 Educational Technology, obtained through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the NJSLs and other relevant experiences and achievements.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and

communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

SUBCHAPTER 2. THE NEW JERSEY STUDENT LEARNING STANDARDS

6A:8-2.1 Authority for educational goals and standards

- (a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c. 52, P.L. 1991, c. 3, and P.L. 1991, c. 62.
 - 1. In June 2009, the State Board adopted revised CCCS and associated indicators in visual and performing arts, comprehensive health and physical education, science, technology, 21st century life and careers, and world languages.
 - 2. In September 2009, the State Board adopted revised CCCS and associated indicators in social studies.
 - 3. In June 2010, the State Board adopted revised CCCS and associated indicators reflecting the Common Core State Standards for English language arts and mathematics.
 - 4. The State Board on or before May 2008 initiated a review and readoption process for the CCCS and the Preschool Teaching and Learning Expectations: Standards of Quality. The process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:
 - i. The Commissioner shall convene an advisory panel of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to

the NJSLS and the associated indicators within a scheduled period of time established by the Commissioner.

- ii. The Commissioner shall present to the State Board for consideration at a public meeting any recommended revision(s) to the NJSLS and the associated indicators.
- iii. Advanced notice(s) of the State Board meeting at which the recommended NJSLS will be considered shall be published in the New Jersey Register.
- iv. The State Board will conduct public hearings on the Commissioner's recommendations at dates, times, and locations announced in the New Jersey Register.
- v. Upon State Board adoption, the Commissioner shall publish and distribute to district boards of education and the general public the revised NJSLS.

6A:8-2.2 Authority for the State Plan for Career and Technical Education

- (a) The State Board shall serve as required by P.L. 109-270 and designated by N.J.S.A. 18A:59-5 as the sole agency responsible for the administration of the State Plan for Career and Technical Education and the legally constituted State Board for Career and Technical Education.
- (b) The State Board will be guided by the NJSLS and, particularly, Standard 8: Technology and Standard 9: 21st Century Life and Careers, in developing the State Plan for Career and Technical Education required under P.L. 109-270.

SUBCHAPTER 3. IMPLEMENTATION OF THE NEW JERSEY STUDENT LEARNING STANDARDS

6A:8-3.1 Curriculum and instruction

- (a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLs and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.
1. The Department shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the NJSLs.
 2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the NJSLs.
 3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the NJSLs, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.
 4. District boards of education shall be responsible for developing for all students with disabilities educational programs aligned with the NJSLs with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team.
 5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.

- i. District boards of education shall make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures.
 - ii. District boards of education shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.
 - iii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.
 - iv. District boards of education shall take into consideration the Pre-K–Grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing programs for gifted and talented students.
- 6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.
 - i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.
- 7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the NJSLS and the English language development standards.
- (b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for college and careers upon their graduation. Examples of such programs

include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.

1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade eight development of academic skills integral to success in high school courses.
 2. District boards of education of school districts that include students in at least two of the grades from six through 12 shall develop opportunities for personalization that strengthen relationships among students, teachers, staff members, families, and the larger community for students in grades six through 12.
- (c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLs, according to N.J.A.C. 6A:8-2.
1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.
 2. District boards of education shall integrate into the curriculum 21st century themes and skills.
 3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills.
The tools include, but are not limited to:
 - i. A pacing guide;
 - ii. A list of core instructional materials, including various levels of texts at each grade level;
 - iii. Benchmark assessments; and

- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.
- (d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result.

6A:8-3.2 Career education and counseling

- (a) The Department shall conduct a pilot project and evaluation of Personalized Student Learning Plans beginning in the 2009-2010 school year.
- (b) In fulfillment of the NJSLS, district boards of education shall develop and implement a comprehensive and developmental system for the delivery of guidance and academic counseling for all students to facilitate career awareness, exploration, and preparation. The system shall:
 - 1. Be linked to the NJSLS;
 - 2. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
 - 3. Be infused throughout the K-12 curriculum as appropriate for all students;
 - 4. Be supported by professional development programs;
 - 5. Provide developmental career guidance and academic counseling, linked to the NJSLS, designed to:

- i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
 - ii. Support students' academic attainment, career development, and personal/social development;
 - iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and
 - iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the NJSLS; and
- 6. Allow district boards of education to select the delivery format, which may include:
 - i. An integrated curriculum that is based on NJSLS 9.1 through 9.4 and provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; and/or
 - ii. Specialized programs that reflect the needs of students and the community.
- (c) For students with disabilities beginning at age 14, or younger if determined appropriate by the IEP team, district boards of education shall ensure that career guidance and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.
- (d) District boards of education, in fulfillment of the NJSLS, shall develop and implement curriculum and instructional methods that:
 - 1. Include the integration of technological literacy, consistent with the NJSLS;
 - 2. Provide all students with an understanding of the career applications of knowledge and skills learned in the classroom; and

3. Provide all students with opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- (e) District boards of education, in fulfillment of the NJSLS, shall develop and implement for all students a system of career development activities that:
1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Career and Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to NJSLS and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;
 2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;
 3. Allows district boards of education to select the delivery format that may include:
 - i. An integrated curriculum, based on the NJSLS, that provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; or
 - ii. Specialized programs that reflect the needs of students and the community; and
 4. Instills the concept of the need for continuous learning throughout one's life.
- (f) District boards of education shall offer all high school students opportunities to more actively explore career interests by participating in structured learning experiences linked to the NJSLS.
1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.
 2. Interested students may voluntarily select structured learning experiences that are:

- i. Co-curricular or extra-curricular activities; and
 - ii. Taking place within the school district, at a work site, or in the community in accordance with N.J.A.C. 6A:19-6.4.
- 3. District boards of education shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences:
 - i. Are supervised by school personnel in accordance with N.J.A.C. 6A:9B-11.19 through 11.22; and
 - ii. Conform to Federal and State law.

6A:8-3.3 Enrollment in college courses

- (a) District boards of education, pursuant to N.J.S.A. 18A:61C-1, shall make reasonable efforts to increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools. The credits shall be accepted at all public New Jersey higher education institutions pursuant to N.J.S.A. 18A:61C-8.
- (b) District boards of education shall determine the eligibility of students to participate in college courses.
- (c) District boards of education and partner colleges shall ensure that college courses offered to high school students are:
 - 1. Equivalent to those offered to regularly admitted college students; and
 - 2. Accepted toward both college degree and high school graduation requirements.
- (d) District boards of education and partner colleges shall ensure that college courses for high school students are taught by college faculty with academic rank. Adjunct faculty and members of the district staff who have a minimum of a master's degree may also be included.

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

- (a) The Commissioner, in accordance with N.J.S.A. 18A:7C-1 et seq., and 18A:7E-2 and 3, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the NJSLs.
 - 1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the NJSLs at grade levels three through 12.
 - 2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLs.
- (c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the high school end-of-course PARCC assessments, and the alternative assessment for students with disabilities and provide notification to each student entering grades three through 12 of the Statewide assessment schedule.

1. The Department shall implement the elementary component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade [four] **five**.
 2. The Department shall implement the middle school component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.
 3. The Department shall implement a high school assessment program component of the NJSLs that assesses, at a minimum, English language arts, mathematics, and science with the exception of the following:
 - i. Students may receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year.
- (d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.
1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 team.
 - i. District boards of education may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.

- ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the student has entered the United States after July 1 of the calendar year prior to the test administration.
- 2. District boards of education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.
- 3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.
 - i. The Department shall implement the alternative assessment for students with disabilities according to the schedules in (c)1, 2, and 3 above.
 - ii. The alternative assessment for students with disabilities measures the progress of students who have been determined eligible for the alternative assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.
- 4. District boards of education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).
- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

6A:8-4.2 Documentation of student achievement

- (a) After each test administration, the Department shall provide to chief school administrators the following:
1. Rosters of student performance in each content area;
 2. Individual student reports; and
 3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level. The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for ELLs.
- (b) District boards of education shall transmit within 10 business days any official records, including transcripts, of students who transfer to other school districts or institutions.
- (c) District boards of education shall maintain an accurate record of each student's performance on Statewide assessments.
- (d) District boards of education shall maintain for every student a ninth-grade-through-graduation transcript that contains the following, as available:
1. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth at N.J.A.C. 6A:8-5.1(a)6;
 2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);
 3. Evidence of instructional experience and performance in the NJSLs;
 4. Evidence of technological literacy;
 5. Evidence of career education instructional experiences and career development activities;
 6. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for

students enrolled in Department-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and

7. Any other information deemed appropriate by the district board of education.

6A:8-4.3 Accountability

- (a) Chief school administrators shall report preliminary and final results of annual assessments to district boards of education within 60 days of receipt of information from the Department.
- (b) District boards of education shall provide parents, students, and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.
- (c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.
- (d) All students shall be expected to demonstrate the knowledge and skills of the NJSLs as measured by the Statewide assessment system.

6A:8-4.4 Annual review and evaluation of school districts

The Department shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of AMO and incorporating a progress criterion indicative of systemic reform. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and ELLs. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

6A:8-4.5 Public reporting

- (a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
- (b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.
- (c) The Department shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students.
- (d) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

- (a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:
 - 1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLS, including, but not limited to, the following credits:

- i. At least 20 credits in English language arts, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;
- ii. At least 15 credits in mathematics, including algebra I or the content equivalent effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;
- iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/inquiry-based science course effective with 2012-2013 grade nine class;
- iv. At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;
- v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;
- vi. At least 3 $\frac{3}{4}$ credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;
- vii. At least five credits in visual and performing arts;
- viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;

- ix. Technological literacy, consistent with the NJSLS, integrated throughout the curriculum; and
 - x. At least five credits in 21st century life and careers, or career-technical education;
2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:
- i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.
 - (1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:
 - (A) Independent study;
 - (B) Online learning;
 - (C) Study abroad programs;
 - (D) Student exchange programs; and
 - (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
 - (2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
 - (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
 - (B) Include demonstration of student competency;

- (C) Be certified for completion based on the district process adopted according to (a)2ii below; and
 - (D) Be on file in the school district and subject to review by the Commissioner or his or her designee.
- (3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLs shall be permitted under this section and shall be approved in the same manner as other approved courses.
- ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLs at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.
 - (1) District boards of education shall choose assessments that are aligned with or exceed the NJSLs and may include locally designed assessments.
 - (2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the NJSLs:
 - (A) The STAMP online assessment;

- (B) The OPI or MOPI; or
 - (C) Department-approved locally designed competency-based assessments;
 - iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.
 - (1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLS.
 - 3. Local student attendance requirements;
 - 4. Any other requirements established by the district board of education;
 - 5. Any statutorily mandated requirements for earning a high school diploma;
 - 6. The requirement that all students demonstrate proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or through the alternative means set forth at (f) through (i) below;
 - 7. Students graduating from an adult high school shall demonstrate proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or through the alternative means set forth at (f) through (i) below.
- (b) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:
- 1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
 3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and
 4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.
- (c) Through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.
1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.
 2. District boards of education shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.
- (d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.
- (e) District boards of education shall provide each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.
- (f) To ensure adequate transition to the new Statewide assessment system, district boards of education shall provide students who have not demonstrated proficiency on the high school end-of-course PARCC assessments in ELA 10 and Algebra I with the opportunity to demonstrate such competence through one of the alternative means set forth below:

1. For the graduating classes of 2016, 2017, 2018, and 2019, students who did not take both the ELA 10 and the Algebra I end-of-course PARCC assessment or who take, but do not achieve a passing score on both assessments, as required by (a)6 above, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:
 - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
 - ii. Meet the criteria of the portfolio appeals process; and
2. For the graduating class of 2020, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:
 - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
 - ii. Meet the criteria of the portfolio appeals process.

- (g) Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.
- (h) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department-approved English fluency assessment.
- (i) Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of high school end-of-course PARCC assessments.

6A:8-5.2 High school diplomas

- (a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a) or (c), or (d) below.
- (b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.
 - 1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20 or until

the requirements for a State-endorsed diploma have been met, whichever comes first.

2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass high school end-of-course PARCC assessments to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to 2016 shall demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.
- (c) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.
- (d) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows:
English; mathematics; science; social science; and the humanities.
- (e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
 1. Has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f);

2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and
 3. Has formally requested such early award of a State-endorsed high school diploma.
- (f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:
1. The total number of students graduated;
 2. The number of students graduated under the substitute competency test process;
 3. The number of students graduated under the portfolio appeals process;
 4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
 5. The total number of students denied graduation from the 12th grade class; and
 6. The number of students denied graduation from the 12th grade class solely because of failure to pass the high school end-of-course PARCC assessments, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.